

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, November 14, 2017, 7:00pm



TABLE OF CONTENTS

PUBLIC NOTICE	1
WORK SESSION AGENDA	3
REGULAR MEETING AGENDA.....	5
CONSENT AGENDA:	
Meeting Minutes – Tuesday, October 24, 2017 (Work Session & Regular).....	10
Meeting Minutes – Friday, October 27, 2017 (Strategic Planning)	21
Proclamation – Pearls of Vision Foundation Appreciation Day (Edwards)	23
RESOLUTIONS:	
Res2017-069 Schedule of Fines for Municipal Court	25
Res2017-070 Approving Contract for Tiffany Carter Sellers	34
Res2017-071 Criminal Background Checks	45
ORDINANCES:	
Ord2017-028 [2ND READING] AGL Franchise Agreement.....	51
Ord2017-029 [2ND READING] Preferences to Local Businesses (Rowell)	64
Ord2017-030 [2ND READING] Amendment to Code Enforcement	72
Ord2017-031 [1ST READING] Adoption of Additional Ethics Ordinances.....	76
Ord2017-032 [1ST READING] Surcharge Imposed for Violation, Parks & Rec....	93
Ord2017-033 [1ST READING] Rules of Road, Police/Tech/Retention/Recruit	98
Ord2017-034 [1ST READING] Regulation of Sexually-Oriented Businesses.....	103
Ord2017-035 [1ST READING] Municipal Court, Quarterly Court Reports.....	125
Ord2017-036 [1ST READING] Municipal Court, Costs by the Defendant.....	129
WEEKLY CITY MANAGER REPORT (Financial Status Up-Date - CFO).....	N/A



PUBLIC NOTICE

The Mayor and City Council invite you to

our next City Council Meetings

TUESDAY, NOVEMBER 14, 2017

5:00 PM - Work Session

7:00 PM - Regular Meeting

South Fulton Service Center Auditorium

5600 Stonewall Tell Road

College Park, GA 30349

If you have any questions or concerns, please contact the City of South Fulton, City Hall at www.cityofsouthfultonga.gov or call 470-809-7700.



DIVIDER SHEET

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, November 14, 2017, 5:00PM



The Honorable William “Bill” Edwards, Mayor
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

WORK SESSION AGENDA

- School Bus Arms Presentation (by Bunnie Jackson-Ransom)
- Executive Session, if necessary



DIVIDER SHEET

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, November 14, 2017, 7:00pm



The Honorable William “Bill” Edwards, Mayor
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

REGULAR MEETING AGENDA

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of the Consent Agenda
 - a. Meeting Minutes – Tuesday, October 24, 2017 (Work Session and Regular Meeting)
 - b. Meeting Minutes – Friday, October 27, 2017 (Strategic Planning)
 - c. Proclamation – Pearls of Vision Foundation Appreciation Day
(Edwards)
5. Approval of the Regular Meeting Agenda

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, November 14, 2017, 7:00pm

6. Proclamations and Recognitions
 - a. Freewishes Foundation Appreciation Day **(Willis)**
 - b. Recognizing 25AndOlder Sports **(Baker)**
 - c. National Domestic Violence Awareness Month **(Gumbs)**
 - d. Randolph Girl Scout Appreciation Day – Reid **(Rowell)**
 - e. Randolph Girl Scout Appreciation Day – Tillman **(Rowell)**
 - f. Randolph Girl Scout Appreciation Day – 3 Girls **(Rowell)**
 - g. Randolph Girl Scout Appreciation Day – 10 Girls **(Rowell)**
7. Public Comment
 - a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.
8. Business
 - a. **Resolutions**
 - i. Resolution Approving Schedule of Fines for the Municipal Court of the City of South Fulton. **(Res2017-069)**
 - ii. Resolution Approving Contract for Tiffany Carter Sellers to Serve as the Chief Judge for the Municipal Court of the City of South Fulton, setting Compensation; and for Other Purposes. **(Res2017-070)**
 - iii. Resolution Authorizing the City of South Fulton Human Resources Department to conduct background checks on Prospective Employees, Vendors, and Volunteers; Authorizing the Human Resources Director to Serve As Agent for GCIC and Other Crime Databases; Authorizing the Human Resources Director to Establish Policies and Procedures; Providing or Training Resources as Necessary; Authorizing Mayor to sign all Documents Necessary to Effectuate This Resolution; Repealing Inconsistent

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, November 14, 2017, 7:00pm

Resolutions; Providing for an Effective Date; and for other purposes. **(Res2017-071)**

b. Ordinances

- i. **[SECOND READING]** Ordinance, granting to Atlanta Gas Light Company, A Georgia Corporation, hereinafter designated as “Company”, its successors and assigns, the right and franchise to use and occupy the streets, avenues, roads, public highways, alleys, lanes, ways, parks, and other public places of the City of South Fulton, Georgia, for constructing, maintaining, renewing, repairing, and operating a gas works and gas distribution system, and other necessary means for manufacturing, transmitting, distributing and selling of manufactured, natural or commingled gas within and through the City of South Fulton, Georgia; and fixing the terms and conditions of such grant; to provide provisions governing the franchise fee calculation; to provide an effective date; and for other purposes. **(Ord2017-028)**
- ii. **[SECOND READING]** Ordinance to establish procedures to provide preference to City of South Fulton businesses in competitive sealed bidding for City services. **(Rowell – Ord2017-029)**
- iii. **[SECOND READING]** Amendment to Ordinance No. 2017-012 – Addressing the jurisdiction of the Code Enforcement Board. **(Ord2017-030)**
- iv. **[FIRST READING]** Adoption of Additional Ethics Ordinances. **(Ord2017-031)**
- v. **[FIRST READING]** Adoption of an Ordinance to Impose a Surcharge on all Fines Imposed for Violations of Ordinances Governing Public Parks and Recreation Facilities in the City of South Fulton. **(Ord2017-032)**

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, November 14, 2017, 7:00pm

- vi. **[FIRST READING]** Amendment to Ordinance No.2017-018 – Rules of the Road. Ordinance to Amend Title 8 of the City of South Fulton Code of Ordinances to Impose a Surcharge on All Fines Imposed Under Title 8 for Specific Purposes – Police Tech Retention & Recruitment. **(Ord2017-033)**
 - vii. **[FIRST READING]** Adoption of Ordinance Relating to the Regulation of Sexually-Oriented Businesses in the City of South Fulton Boundaries; To Provide for Definitions; To Provide for the Licensing of Sexually-Oriented Businesses; To Provide for Maximum Fees and Penalties for Violation of this Chapter; To Provide for Appellate Rights; to Provide for Severability; To Provide an Effective Date; To Repeal All Ordinances and Parts of Ordinances in Conflict Herewith; And for Other Purposes. **(Ord2017-034)**
 - viii. **[FIRST READING]** Amendment to Ordinance No. 2017-017 – Municipal Court. An Ordinance to Amend Title 7 of the City of South Fulton Code of Ordinances; To Provide for a Quarterly Report from the Municipal Court; and for other Purposes. **(Ord2017-035)**
 - ix. **[FIRST READING]** Amendment to Ordinance No. 2017-017 – Municipal Court. An Ordinance to Amend Title 7 of the City of South Fulton Code of Ordinances; To Provide for the Payment of Costs Incurred by the City of South Fulton by the Defendant upon Conviction. **(Ord2017-036)**
- 9. Board Appointments
 - a. Nomination of Ms. Joyce Armster to replace Ms. Violet Williams Crawford on the **Board of Code Enforcement**
 - 10. City Manager's Weekly Update (Financial Status Update – CFO)
 - 11. Mayor and City Council Comments (Two minutes each)
 - 12. Adjournment



DIVIDER SHEET



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

WORK SESSION MINUTES

The Work Session was called to order by Mayor Edwards at 5:00pm. All members were present, so there was a quorum.

- **Presentation by the Atlanta Regional Commission Neighborhood Nexus Program**

The meeting began with a PowerPoint presentation by Mr. Jim Skinner from Atlanta Regional Commission (ARC) and Ms. Bernita Smith, Director of Neighborhood Nexus Program. After the presentation of an extensive overview on ARC and its Nexus Program, City Councilmembers asked questions and added

comments. The Mayor and Councilmembers thanked Mr. Skinner and Ms. Smith for the information provided and welcomed additional information as the City of South Fulton continues to grow.

- **Presentation on the Secondary Effects of Adult Entertainment Establishments – City Attorney**

Ms. Kimberly Anderson, legal counsel, gave a presentation on sexually oriented businesses and how surrounding cities have dealt with the issue. She included information on Fulton County's restrictions and license requirements and the city regulations and requirements, in reference to sexually oriented/adult entertainment businesses.

Mayor Edwards and Councilmembers asked Ms. Anderson questions and then added comments. A thank you was given to Ms. Anderson for her presentation from the Mayor and Council.

- **Executive Session, if necessary**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gilyard to conduct a closed Executive Session regarding Personnel and Litigation. Hearing no objections, the motion passed unanimously, 7-0-0.

The Executive Session began at 6:06pm and ended at 7:00pm.

IN OPEN SESSION:

The City Clerk announced that there was no action taken in Executive Session.

A motion was made by Councilmember khalid and seconded by Councilmember Willis to close the Executive Session. The motion passed unanimously, 7-0-0.



DIVIDER SHEET



- _____

The Honorabe William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

REGULAR MEETING MINUTES

1. Call to Order

The meeting was called to order by Mayor Edwards at 7:03pm.
Following the roll call, all members were present.

2. Invocation

The Invocation was rendered by Pastor Warren T. Henry.

3. Pledge of Allegiance

The Pledge of Allegiance was recited in unison.

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 24, 2017, 7:00pm

4. Approval of the Consent Agenda
 - a. Meeting Minutes – Tuesday, October 10, 2017
 - b. Meeting Minutes – Tuesday, October 17, 2017
 - c. Proclamation recognizing Bishop Richard B. Lankford, Sr. Appreciation Day **(Edwards)**
 - d. Proclamation recognizing Mr. Koya Olateru-Olagbegi Appreciation Day **(Edwards)**

A motion was made by Councilmember Gilyard and seconded by Councilmember Gumbs to approve/accept the consent Agenda. The motion passed unanimously, 7-0-0.

5. Approval of the Regular Meeting Agenda

A motion was made by Councilmember khalid and seconded by Councilmember Gilyard to approve/accept the Regular Meeting Agenda. The motion passed unanimously, 7-0-0.

6. Proclamations and Recognitions
 - a. Proclamation recognizing Twisted Sisters Book Club Appreciation Day **(Edwards)**

Mayor Edwards presented a Proclamation in recognition of the Twisted Sisters Book Club appreciation Day.

The Mayor recognized Ms. Kimberly Dove of the Fulton County Board of Education who is the Representative for the City of South Fulton.

7. Public Comment
 - a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.

The following eight (8) Citizens offered public comment:

- **Mr. Mike Reuss representing the HOA of Cedar Grove, expressed concern about Fire Department repairs and**

about the New City and how he campaigned for its existence.

- Ms. Juliette Rankins heard the Mayor is okay with warehouses, she opposes. She heard Mayor Pro Tem Rowell agreed with joining Select Fulton, she disagrees. Doesn't want the City to go into debt by floating Bonds for Parks & Recreation.
- Ms. Damita Chatman fought for the City and wants it to get on one accord. Res2017-046, Hire a City Manager, watched video, Council should follow process for removing Interim City Manager. Commended Josh, Interim City Attorney, for fighting on behalf of South Fulton becoming a City.
- Mr. Marcus Coleman with respect to an Ordinance dealing with marijuana possession, the City should adopt a decriminalization Ordinance. The City should go the extra mile to respond to persons that offer public comment and speak at the meetings.
- Ms. Glenda Collins new law passed in Atlanta reducing fines for marijuana use, she asked how does that effect our Courts in the City of South Fulton and she hopes the new Police Chief will help to reduce crime.
- Mr. David Williams thanked Councilmembers Gumbs and Baker for getting back to him in a timely manner. Feel use of marijuana is a crime. Councilmembers ran their campaigns on transparency – are you giving 100% of what you promised.
- Mr. Antonio Steele a small business owner, bothered by Councilmembers lack of harmony.
- Ms. Charlean Parks concerned with security in South Fulton and the police response time of 3 hours. There is a need to follow-up on businesses that are boarded up.

8. Business

a. Resolutions

- i. Resolution to establish a policy relating to budgetary controls for members of the City Council. **(Jackson – Res2017-063)**

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 24, 2017, 7:00pm

- ii. Resolution to establish a policy relating to budgetary controls for members of the City Council. **(Baker – Res2017-064)**

Councilmember Baker (with agreement by Councilmember Jackson) removed/withdrew Resolutions Res2017-063 and Res2017-064.

- iii. Resolution to amend the “OpenGov” Program relating to transparency and routine reporting of revenues, operations and expenditures of each City Department by the fifteenth of each month for the preceding month. **(Jackson – Res2017-065)**

A motion was made by Councilmember Jackson to add co-sponsors Mayor Pro Tem Rowell and Councilmember Gumbs and to change item #3 to “the City Manager” and “monthly”. The motion was not seconded; therefore the motion failed.

A motion was made by Councilmember Jackson and seconded by Councilmember Baker to approve/accept Res2017-065 as amended, changing Item #3 to read “the City Manager”, instead of the Finance Director. Councilmembers Jackson and Baker voted yea. Mayor Pro Tem Rowell and Councilmembers Willis, Gumbs and Gilyard voted no. The motion failed, 2-4-0. Councilmember khalid was away from the dais.

- iv. Resolution imposing an additional 30-day moratorium on the issuance of all alcohol licensing permits for age-restricted establishments within the City of South Fulton. **(Res2017-066)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to approve/accept Res2017-066 as amended, changing the last ‘Whereas’ clause to read additional 30 days; Section 5 to read on or after October 30, 2017; change Section 6 to read at midnight on October 30, 2017 and end upon 30 days expiration; and

change Section 8 to read become effective on October 30, 2017. The motion passed unanimously, 7-0-0.

- v. Resolution authorizing contract for encroachment to construct small pipeline at Williams Road right of way; and for other purposes. **(Res2017-067)**

A motion was made by Councilmember Willis and seconded by Councilmember Gilyard to approve/accept Res2017-067 as amended, changing Paragraph 1, line 5 to read 'pipeline as generally set forth'. The motion passed unanimously, 7-0-0.

b. Ordinances

- i. **[SECOND READING]** Amendment to Ordinance 2017-018. Ordinance to Amend Title 8 of the City of South Fulton Code of Ordinances, to add Sec. 8-1014., regarding the duties and authority of police officers. **(Ord2017-026)**

A motion was made by Councilmember Baker and seconded by Councilmember khalid to approve Ord2017-026. The motion passed unanimously, 7-0-0.

- ii. **[SECOND READING]** Amendment to Ordinance 2017-018. Ordinance to Amend Title 8 of the City of South Fulton Code of Ordinances, to add Secs. 8-1010-11., regarding ATVs and Off-Road vehicles **(Willis and Rowell – Ord2017-027)**

A motion was made by Councilmember Willis and seconded by Councilmember Baker to approve/accept Ord2017-026 as amended. A friendly amendment was made by Councilmember khalid to use fines that are collected to create an ATV park. Councilmember Willis did not accept the friendly amendment. A friendly amendment was made by Councilmember Baker to amend Sec.8-1011. – Penalties for violations of Sec.8-1010 (a) to read 'the amount of \$500.00' and (b) to read 'the amount of \$750.00'. Councilmember Willis accepted the friendly amendment. A friendly amendment was made by Mayor Pro Tem Rowell to add the effective date of November 1, 2017.

Councilmember Willis accepted the friendly amendment. Mayor Pro Tem Rowell and Councilmembers Gumbs, Willis, Gilyard, Jackson and Baker voted yea. Councilmember khalid voted no. Therefore, the motion passed, 6-1-0.

- iii. **[FIRST READING]** An Ordinance, granting to Atlanta Gas Light Company, A Georgia Corporation, hereinafter designated as “Company”, its successors and assigns, the right and franchise to use and occupy the streets, avenues, roads, public highways, alleys, lanes, ways, parks, and other public places of the City of South Fulton, Georgia, for constructing, maintaining, renewing, repairing, and operating a gas works and gas distribution system, and other necessary means for manufacturing, transmitting, distributing and selling of manufactured, natural or commingled gas within and through the City of South Fulton, Georgia; and fixing the terms and conditions of such grant; to provide provisions governing the franchise fee calculation; to provide an effective date; and for other purposes. **(Ord2017-028)**

As a first reading, Ms. Kimberly Anderson, legal counsel, indicated that the effective date will be May 1, 2018, and the fees will be established by the Public Service Commission.

- iv. **[FIRST READING]** An Ordinance to establish procedures to provide preference to City of South Fulton businesses in competitive sealed bidding for City services. **(Rowell – Ord2017-029)**

Mayor Pro Tem Rowell expressed concern as to how much the percentage would be for the franchise fees and how they could be passed on to the customers. This can be discussed when the Ordinance comes before Council again.

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, October 24, 2017, 7:00pm

- v. **[FIRST READING]** Amendment to Ordinance No. 2017-012 – Addressing the jurisdiction of the Code Enforcement Board. **(Ord2017-030)**

9. City Manager's Weekly Update

Interim City Manager Jones indicated that the Solid Waste/Recycling "RFP" is posted to the web site.

There will be a Special Called Meeting next Tuesday, October 31, 2017 at 7:00pm. Agenda items will be: TAN Resolution approval; a discussion of the transition; the Courts MOU; and an Ethics item from the Interim City Attorney.

The renewal process for business licenses is being prepared for a mailing.

The draft copy of the Employee Handbook was handed out and any questions or comments should be directed to the Human Resources Department.

Interim City Manager is working to remove the zoning moratorium; the consultant from the web site met with staff this week to work on the City web site and the meetings will continue next week to get all information department information loaded on the web site; Zero360/First Class will have presentations for Council on Friday, October 27 to continue the branding training; and Departments have submitted their information and hopefully the 2018 Budget Books will be ready by the first of the year.

It was noted that transitioning the Park & Recreation Departments, including their equipment, included uniforms, park signs and their vehicles will need logos. All will be taken care of during the transition period. There is currently a contract with a uniform company and we have an agreement with Quik-Trip for gasoline for the cars. A meeting with the Parks Department is scheduled this week to further discuss all details.

CITY OF SOUTH FULTON, GEORGIA
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Tuesday, October 24, 2017, 7:00pm

Staff met with Fulton County yesterday on reconciliation and the next invoice should be a reduced amount. An up-date on this amount was requested for next Tuesday's meeting.

~~10. Mayor and City Council Comments (Two minutes each)~~

10. Executive Session, if necessary.

A motion was made by Councilmember khalid and seconded by Councilmember Gilyard to conduct a closed Executive Session regarding Personnel. Hearing no objections, the motion passed unanimously, 7-0-0.

The Executive Session began at 8:43pm and ended at 9:27pm.

A motion was made by Councilmember khalid and seconded by Councilmember Willis to close the Executive Session. The motion passed unanimously, 7-0-0.

IN OPEN SESSION:

The City Clerk announced that there was one (1) action item taken in Executive Session. The Resignation of Interim City Manager Ruth Jones, was accepted, effective October 24, 2017. Councilmembers Gumbs, Gilyard, Jackson, Baker and khalid voted yea, Mayor Pro Tem Rowell and Councilmember Willis voted no. Therefore, the motion passed, 5-2-0.

11. Adjournment

A motion was made by Councilmember khalid and seconded by Councilmember Gumbs to adjourn the meeting. The motion passed unanimously, 7-0-0.

The meeting adjourned at 9:34pm



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

Others present:

Mark Massey, City Clerk; Mr. Samuel Ball; Attorney Emilia Walker; Storm Mitchell; Ms. Tamahn Jamison; Ms. Shetia Kelly; Ms. Marche Randall; Mrs. Bertha Blanchard; Mr. Gary Holmes; and Ms. Aletha Barnes.

SPECIAL CALLED MEETING MINUTES

Vision and Core Principles Planning Session

Facilitator: Langford D. Holbrook, Institute of Government, UGA

The meeting was called to order by Mayor Edwards at 9:36am. A quorum was present.

1. Welcome and introductions

2. Mission, vision statement and core values

- ***Presentation on current progress***

3. Vision statement

- ***Facilitated session to finalize city vision statement***

4. Identification of core community values

- ***Facilitated session to finalize core values for the city***

Following a presentation by Mr. Langford Holbrook, the City Council began working on several activities designed to develop a Vision Statement and Guiding Principles/Core Values. (see results attached)

Mr. Holbrook finished his presentation at 12:40pm, whereupon the City Council took a lunch break.

5. VIVO 360 Inc. & FirstClass Inc. (Naming Process)

Mrs. Bunnie Jackson-Ransom and Ms. Sophie Gibson gave a PowerPoint presentation regarding the Naming process for the City. Their presentation began at 1:18pm.

6. Next steps

The City Council will submit all potential names for the City to the City Clerk, who will forward the names to Ms. Jackson-Ransom and Ms. Gibson.

7. Adjourn

The meeting was adjourned at 3:03pm.



City of South Fulton

WHEREAS, The Pearls of Vision Foundation, Inc. of Phi Tau Omega Chapter of Alpha Kappa Alpha Sorority, Inc., was chartered to serve the South Fulton area, and has historically served this region since January of 2001; and

WHEREAS, The newly chartered City of South Fulton with a mission to provide exceptional customer service that sustains a safe, inclusive, innovative, and economically vibrant city which encompasses much of the service area of Phi Tau Omega Chapter; and

WHEREAS, Pearls of Vision foundation Inc., of Phi Tau Omega chapter of Alpha Kappa Alpha Sorority Inc., continues to inspire and engage us through serving the community, assisting those in need, and creating goodwill; and

WHEREAS, The Phi Tau Omega Chapter has benefited greatly from the services provided to residents including scholarships for deserving students and support to families by providing awareness to improve the overall economic situation and general health of those in need; and

WHEREAS, The November 11, 2017, Masquerade Ball and Awards Gala presented by the Pearls of Vision Foundation Inc., provides the City of South Fulton the opportunity to celebrate the contributions of the members; and

WHEREAS, This year's theme for the Pearls of Vision Foundation Inc., Masquerade Ball and Awards Gala, "Unmasking the Vision" speaks to the organization's promising vision of brighter future for all of our residents.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the City Council of the City of South Fulton do hereby proclaim Saturday, November 11, 2017, as "**PEARLS OF VISION FOUNDATION INC., APPRECIATION DAY**" in the City of South Fulton, Georgia.

Mayor William "Bill" Edwards



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-069

**RESOLUTION APPROVING SCHEDULE OF FINES FOR THE MUNICIPAL
COURT OF THE CITY OF SOUTH FULTON.**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to local residents; and

WHEREAS, on September 13, 2017, the City Council adopted Ordinance No. 2017-017, establishing the Municipal Court of the City of South Fulton;

WHEREAS, Pursuant to Section 5.13(B) of the City Charter, The Municipal Court is tasked with punishing violations of the Charter, all city ordinances, and other violations

WHEREAS, Section 5.13(c) of the City Charter provides that the Municipal Court may fix punishment for offenses within its jurisdiction, including fines, imprisonment, or alternative sentencing; and

WHEREAS, the City Council finds enforcement of prescribed fines for certain violations to be reasonable, efficient, and in the best interests of the City and its residents;

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:**

1. **Recitals** – The aforesaid recitals are not mere recitals, but are material portions of this Resolution;
2. **Approval** – The City Council hereby approves of the Schedule of Fines developed by Municipal Court Chief Judge Tiffany Carter Sellers (the “Schedule of Fines,” attached to this Resolution and incorporated herein) as reasonable and further approves of its adoption and enforcement in the Municipal Court of the City of South Fulton.
3. **Severability**. To the extent, any portion of this Resolution is declared invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.
4. **Repeal of Conflicting Provisions**. All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

5. **Effective Date.** This Resolution shall take effect immediately.

The foregoing Resolution No. **2017-069** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY

CITY OF SOUTH FULTON MUNICIPAL COURT'S PROPOSED FINE/FEE SCHEDULE

The following proposed fine/fee schedule is for violations committed on or after November 1, 2017.

The fines appearing within this schedule apply only to payments that are made via mail or online or in-person at the Clerk's Office.

PRIOR to your scheduled Court date. Payments submitted via mail must be in the form of a cashier's check or money order.

PERSONAL CHECKS ARE NOT ACCEPTED.

Payments made in-person may be made via credit card, debit card, or cash.

PLEASE BE ADVISED:

* Certain violations are COURT ONLY and cannot be paid in advance.

* Judges have the authority to impose a fine amount HIGHER OR LOWER than that appearing in this schedule.

* If you were 17 years old or younger at the time you were cited, you must appear in Court with a parent or guardian.

This is a requirement for ALL violations.

FAILURE TO APPEAR/FAILURE TO PAY FINE

Any person who fails to pay a fine before his/her scheduled Court date or within the time permitted by the Court,

SHALL be assessed a \$100 Failure to Appear/Failure to Pay Fine fee, and is subject to any other penalties authorized by law.

Speeding Offenses

*If you are charged with speeding between 5-34 miles per hour over the posted speed limit,

AND this is your 1st **LIFETIME** offense, you may receive a lesser fine than that which is posted on this schedule.

to determine whether this provision applies to you, you **MUST** appear in Court as scheduled.

1-5 miles over		No fine
	In a school zone	\$100
	In a construction zone	\$100
6-10 miles over		\$100
	In a school zone	\$200
	In a construction zone	\$200
11-15 miles over		\$200

	In a school zone	\$300
	In a construction zone	\$300
16-20 miles over		\$300
	In a school zone	\$400
	In a construction zone	\$400
21-30 miles over		\$400
	In a school zone	\$500
	In a construction zone	\$500
	UNDER 21	COURT ONLY
31+ miles over		COURT ONLY
<u>Traffic Offenses</u>		
Aggressive Driving		COURT ONLY
Crossing the gore		\$250
Driving in the emergency lane		\$250
DUI		COURT ONLY
	1st in 5 years	Mandatory 24 hours in jail/ \$500/ community service/evaluation
	2nd in 5 years	Mandatory 72 hours in jail/ \$1000/ community service/evaluation
	3rd in 5 years	Mandatory 15 days in jail/ \$2500/ community service/evaluation
Failure to maintain lane		\$200
Failure to (any moving violation)		\$200
Failure to yield to approaching emergency vehicle		\$500
Failure to move-over- emergency vehicle		\$375
Following too closely		\$250
Hit and Run		COURT ONLY
HOV Violation		\$75
Improper (any moving violation)		\$225
Littering		\$300
Loud music		\$250

Open container	Under 21	COURT ONLY	
	21 and older		\$250
Passing stopped school bus while loading/unloading	Under 21	COURT ONLY	
	21 and older		\$450
Racing		COURT ONLY	
Reckless driving		COURT ONLY	
Seatbelt violation			
	Child passenger		\$50
	Adult passenger		\$25
Striking a parked/unattended vehicle		COURT ONLY	
Texting while driving			\$175
Too fast for conditions			\$250
Violation of pedestrian duties			\$250
Violation of pedestrian rights			\$250
Window tint violation			\$200
<u>Driver's License Violations</u>			
Allowing an unlicensed person to drive		COURT ONLY	
Driving in violation of a limited permit		COURT ONLY	
Driving on a suspended license or cancelled license			
	1st offense in 5 years	COURT ONLY	Mandatory 2 days to serve/ \$750 fine
	2nd offense in 5 years	COURT ONLY	Mandatory 10 days to serve/ \$1250 fine
Expired license			\$100
Failure to obtain GA driver's license w/in 30 days			\$100
Improper class of license			\$100
No Driver's License		COURT ONLY	
No license on person		\$10 (w/ proof of license)	

Tag and Registration Violations

Altered tag	\$200
Expired Tag	\$150
Improper display or tag	\$125
Improper registration	\$125
No tag	\$125
Suspended registration	\$600

Insurance Violations

No insurance	COURT ONLY
No proof of insurance	COURT ONLY

Commerical Vehicle Offenses

Failure to carry Medicard	\$250
Multi-lane violation	\$250
No "wide-load" sign	\$250
Overlength/overwidth vehicle	\$250



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-070

**RESOLUTION APPROVING CONTRACT FOR TIFFANY CARTER SELLERS
TO SERVE AS THE CHIEF JUDGE FOR THE MUNICIPAL COURT OF THE
CITY OF SOUTH FULTON, SETTING COMPENSATION; AND FOR OTHER
PURPOSES.**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to local residents; and

WHEREAS, on September 19, 2017, the City Council confirmed by adoption of Resolution No. 2017-050 the Mayor’s nomination of Tiffany Carter Sellers for the position of Chief Judge of the Municipal Court;

WHEREAS, Section 5.11(c) of the City Charter provides that the position of the Chief Judge shall not be a full-time position and the person serving as chief judge may engage in the private practice of law; and

WHEREAS, Section 5.11(c) of the City Charter provides that compensation of the Chief Judge shall be fixed by the City Council; and

WHEREAS, the City is authorized under City Charter Section 1.12(b)(7) and 3.10(e) to enter into contracts and agreements with private persons, firms, and corporations necessary for the proper administration of the affairs of the City; and

WHEREAS, the Mayor is authorized under City Charter Section 3.22(b)(4) to sign written and approved contracts and any necessary attendant documents thereof for the benefit of the City; and

WHEREAS, the City Council finds the Agreement with Tiffany Carter Sellers to serve as Chief Judge (the “Agreement,” attached to this Resolution and incorporated herein) to be reasonable and in the best interests of the City and its resident;

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:**

1. **Recitals** – The aforesaid recitals are not mere recitals, but are material portions of this Resolution;
2. **Compensation** – The City Council approves the Agreement, and from October 1, 2017 through December 31, 2017, approves the annual base salary of Ninety-

Two Thousand Five Hundred Dollars and No Cents (\$92,500) for the Chief Judge of the Municipal Court to be paid in accordance with all terms of the Agreement, which is attached as Exhibit A. Beginning in January 1, 2018 and subject to annual appropriations in the City Budget which may be modified by the City Council, the City Council approves the annual base salary of Eight-Five Thousand Two Hundred and Fifty Dollars and No Cents (\$85,250) for the Chief Judge of the Municipal Court to be paid in accordance with all terms of the Agreement.

3. **Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution including, but not limited to, the Agreement. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution including, but not limited to, the Agreement, subject to approval as to form by the City Attorney.
4. **Severability.** To the extent, any portion of this Resolution is declared invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.
5. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
6. **Effective Date.** This Resolution shall take effect immediately.

The foregoing Resolution No. **2017-070** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____ and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY

AGREEMENT

This Agreement, entered into this ____ day of October, 2017, between the City of South Fulton, Georgia (hereinafter referred to as the “City”), and Tiffany Carter Sellers (hereinafter referred to as “Sellers” or “Chief Judge”), to provide for the engagement of Sellers as an independent contractor to serve as Chief Judge of the Municipal Court for the City of South Fulton, and to set forth the terms and conditions of the Agreement, including the mutual obligations, rights and duties of each party.

In consideration of the mutual promises as set forth in this Agreement, the City and Sellers agree as follows:

SECTION 1: DUTIES.

The City agrees to engage Sellers as an independent contractor to serve as Chief Judge of the Municipal Court for the City of South Fulton and to perform the functions and duties as specified in Article V of the City of South Fulton Charter and the Code of the City of South Fulton, Georgia, as may be amended from time to time.

SECTION 2: TERM.

This Agreement shall become effective as of 12:01 a.m. on the 20th day of September, 2017, and shall continue through December 31, 2021, coincident with the term of the Mayor as prescribed by Section 5.11(d) of the City Charter. The Chief Judge may resign her position with the City upon giving forty-five (45) days written notice in advance, unless the parties otherwise agree. The City may terminate this Agreement

and remove the Chief Judge from her position for cause in accordance with Section 5.11(d) of the City Charter.

SECTION 3: PAYMENT FOR SERVICES RENDERED

A. Payment for Services Rendered in September through December 31,

2017.

The City agrees to pay the Chief Judge for her services rendered from October 1, 2017 through December 31, 2017 in equal monthly installments of Seven Thousand Seven Hundred Eight Dollars and Thirty-Three Cents (\$7,708.33) on the first business day of each month. The City further agrees to pay the Chief Judge for her services rendered from September 20, 2017 through September 30, 2017 at the rate of Two Thousand, Five Hundred Sixty-Nine Dollars and Forty-Four Cents (\$2,569.44) within 48 hours of the execution of this agreement. Moreover, the City agrees to make the October 2017 payment for services within 48 hours of the execution of this agreement. Payment should be made electronically, via electronic funds transfer, direct deposit or any other electronic means, except for the payment for services rendered in September and October 2017, which may be made by check. This compensation is effective as of the effective date of this Agreement.

B. Payment for Services Rendered Beginning January 1, 2018.

Beginning January 1, 2018, the City agrees to pay the Chief Judge for her services rendered at the rate of an annual base salary of Eighty-Five Thousand Two Hundred and Fifty Dollars and No Cents (\$85,250) payable in twelve (12) equal monthly installments of Seven Thousand One Hundred and Four Dollars and Seventeen Cents (\$7,104.17) on the first business day of each month. Payment is subject to annual appropriations in the

City Budget and compensation for the Chief Judge may be modified by the City Council in accordance with Section 5.11(c) of the City Charter.

SECTION 4: HOURS OF WORK AND BENEFITS.

The position of Chief Judge of the Municipal Court for the City of South Fulton is a part-time position pursuant to Section 5.11(c) of the City Charter. The Chief Judge shall work the number of hours reasonably required to discharge the duties and responsibilities of Chief Judge of the Municipal Court for the City of South Fulton, but no less than 25 hours per week, except that the City agrees to allow the Chief Judge a maximum of three (3) weeks of personal time off annually.

As an independent contractor, the Chief Judge shall not be entitled to any overtime pay or compensatory time off for any hours worked in excess of forty (40) hours per week. The Chief Judge shall not be entitled to any benefits pursuant to her position with the City. The Chief Judge shall be exempt from the provisions of the Fair Labor Standards Act. The Chief Judge may engage in the private practice of law.

SECTION 5: PROFESSIONAL DUES.

The City agrees to budget and to pay the professional dues of the Chief Judge necessary for her participation in associations and organizations approved by City Council.

SECTION 6: PROFESSIONAL DEVELOPMENT.

A. The City agrees to budget and to pay the travel and subsistence expenses of the Chief Judge for professional and official travel (other than daily commuting), meetings, and occasions adequate to continue the

professional development of the Chief Judge, including but not limited to, professional conferences.

B. The City Council also agrees to budget and to pay for the travel and subsistence expenses of the Chief Judge for short courses, institutes, and seminars that are necessary for her professional development and for the good of the City, as determined by the City Council in its discretion.

SECTION 7: INDEMNIFICATION.

The City shall defend, save harmless, and indemnify the Chief Judge against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of her duties as Chief Judge of the Municipal Court, to the same extent the Mayor and members of the City Council are so covered and indemnified. The City and its insurer will have the right to compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

SECTION 8: BONDING.

The City shall bear the full cost of any fidelity or other bonds required of the Chief Judge under any law or ordinance.

SECTION 9: OTHER TERMS AND CONDITIONS OF SERVICE.

A. The City Council, in consultation with the Chief Judge, shall fix any such other terms and conditions of her continued service as Chief Judge, as it may determine from time to time, relating to the performance of the Chief Judge, provided such terms and conditions are not inconsistent with or in

conflict with the provisions of the Agreement, the City Charter, or any other law.

B. As an independent contractor, the Chief Judge will hold responsibility for all applicable federal and state taxes.

SECTION 10: CIVIL CLUB.

The City may pay the actual expense of the Chief Judge to belong to a civil organization within the City of South Fulton.

SECTION 11: GENERAL PROVISIONS.

A. The text herein shall constitute the entire agreement between the parties. All prior representations or statements are void.

B. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portions thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of South Fulton has caused this Agreement to be signed and executed in its behalf by its Mayor, and duly attested by the City Clerk and the Chief Judge, has signed and executed this Agreement, both in duplicate, the day and year first above written.

Date: _____

CITY OF SOUTH FULTON

By: _____
William "Bill" Edwards, Mayor

ATTEST:

Mark Massey, City Clerk

Tiffany Carter Sellers
Chief Judge,
City of South Fulton Municipal Court

APPROVED AS TO FORM:

Josh Belinfante
Interim City Attorney



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2017-071

RESOLUTION AUTHORIZING THE CITY OF SOUTH FULTON HUMAN RESOURCES DEPARTMENT TO CONDUCT BACKGROUND CHECKS ON PROSPECTIVE EMPLOYEES, VENDORS, AND VOLUNTEERS; AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO SERVE AS AGENT FOR GCIC AND OTHER CRIME DATABASES; AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO ESTABLISH POLICIES AND PROCEDURES; PROVIDING FOR TRAINING RESOURCES AS NECESSARY; AUTHORIZING MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS RESOLUTION; REPEALING INCONSISTENT RESOLUTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the City is authorized under City Charter Sections 1.12, 1.13, and 3.10 to establish departments and branches of City government and may prescribe functions and requirements to those departments; and

WHEREAS, the Mayor is authorized under City Charter Section 3.22(b)(4) to sign written and approved contracts and any necessary attendant documents thereof for the benefit of the City; and

WHEREAS, ensuring that city employees, contractors, and volunteers comply with hiring requirements, job postings, and city ordinances helps ensure the quality of the City workforce remains exceptional, leading to a high level of public confidence; and

WHEREAS, the City finds that completing criminal background checks on prospective employees, vendors, and volunteers a necessary component in determining the qualifications of such persons for work with the City; and

WHEREAS, criminal background checks are authorized for local governments pursuant to O.C.G.A. § 35-3-35; and

WHEREAS, the moratorium on the issuance of alcohol licenses by the City of South Fulton will end on November 30, 2017; and

WHEREAS, criminal background checks are required to be conducted by local governments prior to the issuance of an alcohol license by O.C.G.A. § 3-3-2; and

WHEREAS, the Georgia Crime Information Center (“GCIC” or the “Center”) may require the City to enter into contract or a user agreement to use the services provided through the Center for criminal background checks; and

WHEREAS, these requirements are necessary for the proper execution of a well-ordered government.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:

1. **Recitals.** The aforesaid recitals are not mere recitals, but are material portions of this Resolution.
2. **Establishment of Background Check Procedures.** The Director of Human Resources is hereby authorized to create policies and procedures in conjunction with the City Manager and City Attorney for establishing criminal background checks for any prospective City employee, vendor, or volunteer, or applicants for an alcohol license. The Director of Human Resources is further authorized to serve as the City’s point of contact and/or agent for GCIC, Georgia Bureau of Investigation (“GBI”), or Federal Bureau of Investigation (“FBI”) in applying for or maintaining access to criminal background check databases. The Director of Human Resources shall establish requisite training courses and take all necessary steps to adopt a policy to conduct background checks on prospective employees in accordance with state law.
3. **Background Checks for Prospective City Employees, Vendors, and Volunteers.** Authorized Human Resources staff shall conduct criminal background checks on prospective City employees, vendors, and volunteers in accordance with state law, any contract for use of the GCIC database, policies established for use by GCIC, and any policies established by the Human Resources Director.
4. **Background Checks for Alcohol License Applicants.** Authorized City staff shall conduct criminal background checks on applicants for alcohol licenses in accordance with state law, any contract for use of the GCIC database, policies established for use by GCIC, and any policies established by the Human Resources Director.
5. **Approval and Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Resolution including, but not limited to a user agreement and contracts with the GCIC, GBI, and FBI. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution. The City Attorney is authorized to approve as to form any document required to be executed to effectuate this resolution.

6. **Severability.** To the extent, any portion of this Resolution is declared invalid, unenforceable or non-binding, that shall not affect the remaining portions of this Resolution.
7. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
8. **Effective Date.** This Resolution shall take effect immediately.

The foregoing Resolution No. **2017-071** was adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2017.

CITY OF SOUTH FULTON, GEORGIA

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

STATE OF GEORGIA

COUNTY OF FULTON

CITY OF SOUTH FULTON

ORDINANCE NO. 2017-028

AN ORDINANCE, GRANTING TO ATLANTA GAS LIGHT COMPANY, A GEORGIA CORPORATION, HEREINAFTER DESIGNATED AS “COMPANY”, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND FRANCHISE TO USE AND OCCUPY THE STREETS, AVENUES, ROADS, PUBLIC HIGHWAYS, ALLEYS, LANES, WAYS, PARKS, AND OTHER PUBLIC PLACES OF THE CITY OF SOUTH FULTON, GEORGIA, FOR CONSTRUCTING, MAINTAINING, RENEWING, REPAIRING, AND OPERATING A GAS WORKS AND GAS DISTRIBUTION SYSTEM, AND OTHER NECESSARY MEANS FOR MANUFACTURING, TRANSMITTING, DISTRIBUTING AND SELLING OF MANUFACTURED, NATURAL OR COMMINGLED GAS WITHIN AND THROUGH THE CITY OF SOUTH FULTON, GEORGIA; AND FIXING THE TERMS AND CONDITIONS OF SUCH GRANT; TO PROVIDE PROVISIONS GOVERNING THE FRANCHISE FEE CALCULATION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, pursuant to Act 421 of the 2016 session of the Georgia General Assembly (the “City Charter”), the City of South Fulton incorporated on May 1, 2017;

WHEREAS, pursuant to Section 1.12(b)(32), the City is authorized to grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor;

WHEREAS, the City considers collecting a franchise fee from a gas company utilizing the public rights of way as compensation to the public for the use of the rights of way and a means of promoting the public health, safety, welfare and economic development of the City and to protect public works infrastructure,

WHEREAS, the City of South Fulton City Council finds it in the best interest of the City to adopt and enter into a Gas Franchise Agreement as set forth herein with Atlanta Gas Light Company, a Georgia Corporation.

WHEREAS, the City and the undersigned warrant and represent that there is no such franchise granted by the City and in force and effect, to any other person, firm or corporation and that the City is under no contract or obligation to any other person, firm

or corporation, in anywise relating to the installation of gas service in the City of South Fulton, Georgia; now, therefore

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:
SECTION 1.

Definitions.

- a. *Franchise Fee Factor (“FFF”)* means \$14.62, as periodically adjusted pursuant to Section 4.
- b. *Dedicated Design Day Capacity or “DDDC”* means the sum of the individual capacity in Dekatherms attributable to all Firm Customers, as defined below, located within the city limits of the City, which as of the date hereof is 46,696.879.
- c. *Firm Customers* means all residential and business customers who purchase gas service that ordinarily is not subject to interruption or curtailment.
- d. *Fiscal Year* means the 12 month period ending September 30, of each year.
- e. *GPSC* means the Georgia Public Service Commission or such successor regulatory body, having general regulatory authority over the Company.
- f. *Franchise Fee Factor Adjustment (“FFFA”)* means the percent change in the cost of service as explicitly or implicitly determined by the GPSC as a result of a rate case.

SECTION 2.

In exchange for making the franchise fee payments as provided in this Agreement, the City grants to the Company, its successors and assigns, a non-exclusive right to lay, construct, extend, maintain, renew, replace and repair gas pipes, valves, manholes, service boxes, posts, lamps, structures, appliances and all appurtenances and appendages under, along, through and across any streets, avenues, roads, public highways, alleys,

lanes, ways, parks, rights-of-way and other public places in the City (hereinafter collectively referred to as the “City’s Property”) and to use and occupy the City’s Property for the purpose of therein laying, constructing, extending, maintaining, renewing, replacing and repairing mains, pipes, valves, manholes, service boxes, posts, lamps, structures, appliances and all appurtenances and appendages thereto, used and useful for the manufacture, transmission, distribution and sale of gas within and through the present or future territorial limits of the City, such right, when exercised as herein provided, to commence as of May 1, 2017 and to continue for a term for thirty (30) years from the date of approval of this ordinance.

SECTION 3.

Company shall be entitled to charge for gas distribution services furnished by it such rates as are prescribed by the GPSC or other lawful regulatory body of the State of Georgia.

SECTION 4.

The total dollar amount of franchise fees paid by the Company to the City shall be calculated as follows:

The following formula quantifies this payment: $FF = \frac{FFF \times DDDC}{FFFA}$

Where,

FF = total franchise fees due City for the current Fiscal Year

FFF = the Franchise Fee Factor

DDDC = the Dedicated Design Day Capacity in the City as of the last day of the previous Fiscal Year

The Company shall adjust the Franchise Fee Factor by Franchise Fee Factor Adjustment only when the Company changes its rates as a result of a rate case with the GPSC.

The Company as the holder of the franchise privilege hereunder is responsible for the payment of all franchise fees payable hereunder, and shall file such reports and returns as required by this franchise ordinance. Company shall make the franchise fee payments to City on the same schedule and with such supporting documentation as Company provides to other municipalities in Georgia.

The franchise fee payments required hereunder shall be in lieu of any franchise fee, license fee, permit fee, administrative fee, occupation tax or other payment for the use of the rights-of-way by the Company for the provision of gas service, but shall not prohibit imposition of a license fee or an occupation tax on gas marketers. The Company shall comply with the City's utility right-of-way permitting process, as enacted, so long as such process does not conflict with O.C.G.A. §32-4-92 and is not more restrictive than rules and regulations as promulgated by the Georgia Department of Transportation. The City will not charge the Company any other franchise fee, occupation tax, or regulatory fee, as prohibited by O.C.G.A. §48-13-16, or any other fee prohibited by state law. Company reserves the right to reduce the annual franchise fee payable to the City for any and all fees, taxes or charges assessed by the City in contravention of this section in connection with the granting of permits to perform Company's work on City's Property during such Fiscal Year.

SECTION 5.

All rights herein granted and authorized by the City shall be subject to and governed only by this ordinance; provided, however, that the City expressly reserves unto

itself all of its police power to adopt general ordinances necessary to protect the safety and welfare of the general public in relation to the rights hereby granted not inconsistent with the provisions of this ordinance.

SECTION 6.

Company, upon making an opening in the City's Property, for the purpose of laying, repairing or maintaining gas facilities, shall use due care and caution to prevent injury to persons, and shall replace and restore the City's Property to its former condition as nearly as practicable, and within a reasonable time, and shall not unnecessarily obstruct or impede traffic upon the streets, avenues, roads, public highways, alleys, lanes, ways, parks and other places of the City.

SECTION 7.

Company shall save and keep harmless the City from any and all liability by reason of damage or injury to any person or persons whomsoever, on account of negligence of the Company in the installation, maintenance and repair of its mains and pipe lines located in the City's Property, provided the Company shall have been notified in writing of any claim against the City on account thereof and shall have been given ample opportunity to defend the same.

SECTION 8.

This ordinance, after its passage according to law, in writing duly filed with the City Clerk, shall be effective and in full force after the date of acceptance by Company.

SECTION 9.

Throughout the term of this Franchise Agreement, the Company shall, at its own cost and expense, maintain Comprehensive General Liability Insurance and shall, upon request, provide the City certificates of insurance designating the City as additional

insured and demonstrating that the Company has obtained the insurance required in this Section. Such policy or policies shall be in the minimum amount of One Million Dollars (\$1,000,000.00) for bodily injury or death to any one person, and One Million Dollars (\$1,000,000.00) for bodily injury or death to any two or more persons resulting from one occurrence, and One Million Dollars (\$1,000,000.00) for property damage resulting from any one accident. Such policy or policies shall be non-cancelable except upon thirty (30) days' prior written notice to the City. The Company shall provide workers' compensation coverage in accordance with applicable law. The Company shall indemnify and hold harmless the City from any workers' compensation claims to which the Company may become subject during the term of this Franchise Agreement. Alternatively, and in lieu of the foregoing insurance requirements, the Company may elect to self-insure or insure through its captive insurance carrier, provided that Company or its parent company have sufficient net worth to do so, as determined by customary practice in the natural gas utility industry.

SECTION 10.

Unless 90 days written notice is given by one party to the other prior to the expiration of this agreement, this franchise shall be considered as renewed and binding in all its provisions for ten (10) years after such expiration and this franchise shall so continue in operation and effect for a further and second term of ten (10) years unless such notice be given by either party prior to the expiration of the first such renewed term.

SECTION 11.

If the City grants a franchise to any other person, firm or corporation for the distribution and selling of gas, or if the City elects to establish a municipal system for the distribution and selling of gas, any proposed facilities within the certificated area of

Company must receive prior approval by the GPSC. City shall notify, or shall require any other person, firm or corporation franchised for the distribution and selling of gas to notify, the GPSC and Company of their intent to install facilities parallel to and within the rights-of-way with Company facilities at least thirty (30) days prior to installation, and such installation shall not be initiated without the written consent of the GPSC provided, however, that the GPSC shall act on such notice within a reasonable amount of time and such consent shall not be unreasonably withheld.

SECTION 12.

In the event that any provision of this ordinance should be ruled void, invalid, unenforceable or contrary to public policy by any court of competent jurisdiction, the remaining provisions of this ordinance shall survive and be applied, and together with the invalid or unenforceable portion shall be construed or reformed to preserve as much of the original words, terms, purpose and intent as shall be permitted by law.

SECTION 13.

Any and all notices required to be given under this agreement shall be in writing and shall be delivered by U.S. Mail, return receipt requested, commercial overnight courier or hand delivery and shall be deemed delivered when received or rejected for receipt by the recipient. The parties' addresses are set forth below and can be changed upon thirty (30) days' notice to the other:

City:

Address

Attn:

Atlanta Gas Light Company:

P.O. Box 4569

Atlanta, GA 30302-4569

Attn: Rates and Regulatory

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

SECTION 14.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SO ADOPTED by the City Council of the City of South Fulton, Georgia, at a meeting held
on _____.

The foregoing Ordinance No. **2017-028** adopted on _____, was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“SECOND READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

Approved:

_____, Mayor
WILLIAM 'BILL' EDWARDS

I, MARK MASSEY, Clerk of the City of South Fulton, Georgia, hereby certify that I was present at the meeting of the Mayor and Council of the City of South Fulton, Georgia, held on _____, 201____, which meeting was duly and legally called and held, and at which a quorum was present, and that an ordinance, a true and correct copy of which I hereby certify the foregoing to be, was duly passed and adopted by the Mayor and Council of the City of South Fulton, Georgia, at said meeting.

IN WITNESS WHEREOF, I hereunto set my hand and the seal of the City of South Fulton, State of Georgia, this _____ day of _____, 2017.

Mark Massey, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: _____
Josh Belinfante, Interim City Attorney

Accepted on behalf of Company, this _____ day of _____, 2017.

Atlanta Gas Light Company

By: _____
Signature

Name: _____
Please Print

Title: _____
Please Print



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-029

A proposed ordinance introduced by Mayor Pro Tem Rowell

**AN ORDINANCE TO ESTABLISH PROCEDURES TO PROVIDE
PREFERENCE TO CITY OF SOUTH FULTON BUSINESSES IN
COMPETITIVE SEALED BIDDING FOR CITY SERVICES.**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

WHEREAS, local businesses contribute significantly to the economic health of our city and to the quality of life of our citizens and visitors; and

WHEREAS, the City finds it to be in the public interest and for the well-being of the City and its inhabitants to encourage the growth of local businesses by means of increasing the participation of these businesses in the city’s purchase of goods and services.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: The City of South Fulton Code of Ordinances, Title 10 Procurement, Chapter 1, shall be as follows:

Title 10: **Procurement**

Chapter 1: ***Local Business Preference***

Sections:

10-1001 Purpose.

10-1002 Authority.

10-1003 Preference.

10-1004 Local business and locally owned business designation.

10-1005 Exclusions.

10-1006 Violations and sanctions.

10-1007 Appeals.

Section 10-1001 Purpose.

Local businesses contribute significantly to the economic health of our city and to the quality of life of our citizens and visitors. The city encourages the growth of local businesses by means of increasing the participation of these businesses in the city's purchase of goods and services.

Section 10-1002 Authority.

Once established, the purchasing director for the City shall be responsible for enforcement of this chapter.

Section 10-1003 Preference.

- (1) A ~~two~~ three percent evaluation preference will be applied to any sealed competitive process for goods, supplies, equipment, materials, services, or professional services from a business designated as a local business.
- (2) An additional ~~four~~ five percent evaluation preference will be applied to any sealed competitive process for goods, supplies, equipment, materials, services or professional services from a business designated as a locally owned business.
- (3) When a nonlocal business has submitted the lowest responsive responsible bid, and when one or more local businesses, as defined in Section 10-1004, have also bid, the local business' total bid amount will be reduced by the preference percentage of either ~~two or six~~ three or five percent for bid comparison purposes. If the net amount is lower than the lowest bid, the contract will be awarded to the local business for the full amount of its bid. When a request for proposals is used, the preference will reduce only the price component of the evaluation criteria.

Section 10-1004 Local Business and Locally Owned Business Designation.

- (1) A business shall comply with all of the following to be designated a local business:
 - (a) The business shall have an office with at least one employee within the City of South Fulton;
 - (b) The business shall not be delinquent with any payments to the City; and

- (c) The business shall hold a valid City of South Fulton business license.
- (2) A business shall comply with the following to be designated as a locally owned business:
 - (a) The business shall meet the requirements for a local business designation; and
 - (b) At least fifty percent of the business' owners live in the City of South Fulton.

Section 10-1005 Exclusions.

- (1) The provisions of this chapter shall only apply to competitive sealed bidding and shall not apply to:
 - ~~(a) Purchases under the informal bid limit as set by "Formal and Informal Bid Limits."~~
 - ~~(b)~~ (a) Sole source purchases.
 - ~~(c)~~ (b) Construction projects.
 - ~~(d)~~ (c) Urgent purchases necessary to protect public health, welfare or safety.
 - ~~(e)~~ (d) Purchases made under a cooperative agreement.
 - ~~(f)~~ (e) Purchases made by credit card, petty cash, or on claims.
 - ~~(g)~~ (f) Purchases funded by outside agencies that prohibit the use of preferences.
 - ~~(h)~~ (g) Professional services requests for proposals where price is not considered in the selection of which service provider to engage in negotiations.

In addition, the city council shall have the authority to waive application of the local business preference at its discretion.

Section 10-1005 Violations and Sanctions.

(1) Any business that submits false information or fails to disclose material information in order to qualify for the preference pursuant to this chapter shall:

(a) Pay the city any difference between the contract amount and what the city's cost would have been if the contract had been properly awarded, and

(b) Be prohibited from bidding on any city contract or receiving any city contract for a period of three years of the discovery of facts supporting the same.

Section 10-1006 Appeals.

Any business subject to a sanction may appeal it. Appeals shall be in writing and shall clearly state the basis for the appeal. Grounds not stated in the written appeal may not be considered.

~~(a) If the contract is under the formal bid limit, appeals shall be filed with the appropriate department within seven calendar days of the date of the city's written notice of the intention to impose sanctions. The department director will review the appeal and issue a written response within fourteen calendar days. The decision of the department director shall be final.~~

~~(b) If the contract is over the formal bid limit, a~~ Appeals shall be filed with the city clerk within seven calendar days of the date of the city's written notice of the intention to impose sanctions. The city council will review the appeal and its decision shall be final.

Section 2: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 3: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be immediately.

The foregoing Ordinance No. **2017-029** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“SECOND READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ **2017**. CITY OF
SOUTH FULTON, GEORGIA.

“SECOND READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE NO. 2017-030

AMENDMENT TO ORDINANCE NO. 2017-012

The following is a proposed amendment to Ordinance No. 2017-12, entitled “Adoption of Ordinance Establishing the Board of Code Enforcement for the City of South Fulton.”

Revising Section 3-4001, addressing the establishment of the Board, as follows:

- (f) *Jurisdiction.* The Code Enforcement Board shall have non-exclusive jurisdiction to decide matters and alleged violations of all applicable codes and ordinances set forth in O.C.G.A. § 36-74-21(2), with the exception of state minimum standard codes provided in O.C.G.A. § 8-2-25 other than the International Property Maintenance Code or International Building Code, and ordinances and resolutions enacted pursuant to O.C.G.A. § 8-2-25 other than those regarding the International Property Maintenance Code or International Building Code.

The foregoing Amendment to Ordinance No. **2017-030** adopted on _____, was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“SECOND READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE AMENDMENT adopted this _____ day of _____ **2017**.
CITY OF SOUTH FULTON, GEORGIA.

“SECOND READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-031

ADOPTION OF ADDITIONAL ETHICS ORDINANCES.

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

WHEREAS, the Mayor and City Council deem it essential to the proper operation of a republican form of government that public officials be, and give the appearance of being, independent, impartial, and responsible to their constituents; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain;

WHEREAS, at its inaugural meeting on April 29, 2017, the City Council passed Ordinance No. 2017-003, which contained various provisions establishing municipal laws governing ethical standards of public officers and employees;

WHEREAS, at the May 23, 2017 meeting of the Mayor and City Council, the City Council passed a resolution seeking certification of the City as a City of Ethics by the Georgia Municipal Association;

WHEREAS, the City Council seeks to revise the existing ethics ordinance;

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1: The City of South Fulton Code of Ordinances, Title 1, Chapter 5, “Ethics Policy” is repealed in its entirety and replaced as follows:

CHAPTER 5. – CODE OF ETHICS

Sec. 1-5001. - Declaration of policy.

The purpose of this Code of Ethics is to:

- (a) Encourage high ethical standards in official conduct by city officials;
- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the City;

(c) Require disclosure by such officials of private financial or other interest in matters affecting the City; and

(d) Serve as a basis for disciplining those who refuse to abide by its terms.

Sec. 1-5002. - Scope.

(a) The provisions of this Code of Ethics shall be applicable to all City Officials as defined in Sec. 1-5003.

(b) Notwithstanding anything herein to the contrary, state law and the City Charter shall be controlling in the event of an actual conflict with the provisions of this Code of Ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the City Charter.

Sec. 1-5003. - Definitions.

Solely for the purposes of this Code of Ethics:

(a) *City Official* or *Official*, unless otherwise expressly defined does not include City employees but does mean the Mayor, members of the City Council, Municipal Judges (including substitute judges), City Manager, City Clerk, City Attorney, and all other persons holding positions designated by the City Charter, as amended. The term "City Official" also includes all individuals, including any City employees, appointed by the Mayor and/or the City Council as appropriate, to serve on City authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the Mayor and/or City Council.

(b) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the City Council or other City board or commission, as well as the discussions or deliberations of the City Council, board, or commission which can or may lead to a vote or formal action by that body.

(c) *Employee* means any person who is a full-time or part-time employee of the City.

(d) *Immediate family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any city official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.

(e) *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.

(f) *Remote interest* means an interest of a person or entity, including a City official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general City fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.

(g) *Substantial interest* means an interest, either directly or through a member of the immediate family, in another person or entity, where:

(1) the interest is ownership of five percent or more of the voting stock, shares or equity of the entity or ownership of \$5,000.00 or more of the equity or market value of the entity; or

(2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed:

(A) \$5,000.00 in salary, bonuses, commissions or professional fees, or \$5,000.00 in payment for goods, products or services, or

(B) ten percent of the recipient's gross income during that period, whichever is less;

(3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the City Council; or

(4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of \$5,000.00 or more.

Sec. 1-5004. - Prohibitions.

(a) No City official shall violate the Constitution or the laws of the United States, the Constitution or laws of the State of Georgia, or the City Charter or Code of Ordinances of the City of South Fulton in performing his or her public duties.

(b) Other than what is required for the proper management and operation of City government, no City official may independently direct the activities of staff or other appointed City Officials to coerce actions in violation of policy directives of the City governing authority.

(c) No City official shall use such position to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the City.

(d) No City official, in any matter before the City Council or other City body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as set forth in Section 3.15(a) of the Charter.

(e) No City official shall act as an agent or attorney for another in any matter before the City Council or other City body.

(f) No City official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his office except as may be provided by law.

(g) No City official shall enter into any contract with, or have any interest in, either directly or indirectly, the City except as authorized by state law.

(i) This prohibition shall not be applicable to the professional activities of the City Attorney in his or her work as an independent contractor and legal advisor on behalf of the City.

(ii) This prohibition shall not be applicable to an otherwise valid employment contract between the City and a City official who is not elected (such as, by way of example, a City Manager, or Chief of Police).

(iii) Any official who has a proprietary interest in an agency doing business with the City shall make that interest known in writing to the City Council and the City Clerk.

(h) All public funds shall be used for the general welfare of the people and not for personal economic gain.

(i) Public property shall be disposed of in accordance with state law.

(j) No City official shall solicit or accept other employment to be performed, or compensation to be received, while still a City official if the employment or compensation could reasonably be expected to impair such official's judgment or performance of City duties.

(k) If a City official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the City Council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.

(l) No City official shall use city facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.

(m) No City official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(n) A City official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.

(o) A City official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.

(p) A City official shall not order any goods and services for the city without prior official authorization for such an expenditure. No City official shall attempt to obligate the City nor give the impression of obligating the City without proper prior authorization.

(q) No City official shall draw travel funds or per diem from the City for attendance at meetings, seminars, training or other educational events and fail to attend such events without promptly reimbursing the City therefore.

(r) No City official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of South Fulton nor shall any City official engage in *ex parte* communication with a Municipal Court Judge of the City of South Fulton on any matter pending before the Municipal Court of the City of South Fulton.

(s) No City official shall solicit or accept campaign contributions in any government-owned building.

(t) No City official shall use government owned property for any political or campaign-related use.

(u) No City official shall disclose or release any confidential information acquired by virtue of their office unless required by law or authorized by the City to do so. Nor shall any City official use confidential information for personal or private gain, for themselves, any other person, or business entity.

Sec. 1-5005. – Conflict of Interest.

(a) A City Official may not participate in a vote or decision on a matter affecting an immediate family member or a person, entity, or property in which the official has a substantial interest. If the City Official determines that a conflict exists, the City Official must explain the conflict and not vote on or participate in the decision.

(b) A City Official who serves as a corporate officer or a member of the board of directors of a nonprofit entity must disclose their interest in said entity to the Mayor and City Council prior to participating in a vote or decision regarding the funding of the entity by or through the City.

(c) Where the interest of a City Official in the subject matter of a vote or decision is remote or incidental, the City Official may participate in the vote or decision and need not disclose the interest.

Sec. 1-5006. – Board of Ethics.

(a) **Purpose.** The purpose of the Board of Ethics is to review all complaints filed and determine whether there is clear and convincing evidence that a City Official has violated this ethics code.

(b) **Composition.** The Board shall be composed as follows:

(1) **Members.** The Board of Ethics shall consist of three persons, one appointed by the mayor, one appointed by the city council, and the third appointed by the first two above named subject to approval by a

majority of the city council. The third member of the Board of Ethics shall be a member in good standing of the State Bar of Georgia.

(2) **Appointment and Term.** All members shall be residents of the City of South Fulton and shall serve a four-year term.

(c). **Qualifications**

(1) All members of the Board of Ethics shall be residents of the City for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.

(2) No person shall serve as a member of the Board of Ethics if the person has, or has had within the preceding one (1) year period, any interest in any contract or contracting opportunity with the city or has been employed by the City.

(3) Members of the Board of Ethics with any permit or rezoning application pending before the City, or any pending or potential litigation against the City or any City Official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified individual.

(4) No person shall serve on the Board of Ethics who has been convicted of a felony involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude.

(5) No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the City of South Fulton.

(6) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.

(7) Members shall be prohibited from engaging in city election political activities and from making campaign contributions to candidates in city elections during their terms as Board members and for six months prior to their appointment. A member who violates this subsection shall be punished by removal from Board membership

(d) The members of the Board of Ethics shall serve without compensation.

(e) The city council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.

(f) Members of the Board of Ethics may be removed by two-thirds vote of the city council for cause, including, but not limited to, failure to maintain any requirement for qualification to serve on the Board of Ethics.

Sec. 1-5007. – Procedure.

(a) All complaints shall be filed in the city clerk's office and a copy shall be forwarded to the Board of Ethics. Complaints may be filed only by residents of the City of South Fulton and any complaint filed by any other person shall be dismissed.

(b) Form of Complaints

(1) All complaints shall be submitted and signed under oath, shall be legibly drawn, and shall clearly address matters within the scope of this Code of Ethics. The person filing the complaint shall swear under oath at the time of the filing that he or she is a resident of the City of South Fulton, state his or her residence address (post office box is not sufficient) and home phone number, if they have one and if not their business or mobile phone number, if any. The complaint shall be supported by affidavit(s) based on personal knowledge, set forth such facts as would be admissible in evidence, and show affirmatively that the affiant is competent to testify to the matters stated therein. All document(s) referred to in the affidavit shall be attached to the affidavit(s).

(2) A complaint that does not meet the standard required by this ordinance shall be dismissed without prejudice. Repetitive failures to meet the standard imposed by this ordinance shall authorize the Board of Ethics to dismiss the complaint with prejudice.

(c) Investigation of Complaints

(1) Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.

(2) For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.

(3) Upon completion of its investigation of a complaint, the Board of Ethics is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to

state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the city official.

(4) The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint.

(5) The Board of Ethics is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.

(6) Findings of the Board of Ethics shall be submitted to the City Council for action.

(7) Politically-inspired complaints:

(A) Complaints that are submitted against City Officials between the beginning of the qualifying period for a municipal election when the City Official named in the complaint appears on the ballot and the certification of the same municipal election, may be accepted; however, the Board of Ethics may not take any action on the complaint until after the certification of the municipal election.

(d) Service of Complaint

(1) The City Clerk shall serve the complaint on the City Official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint.

(2) Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery.

(3) A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses.

(4) The decision of the Board of Ethics shall be rendered to Mayor and City Council within seven (7) calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the City Official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations.

(5) The City Official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the

ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the City Council to act upon any complaint.

(e) Penalty

- (1) Any City Official who violates any provision of this Ethics Code shall be subject to public reprimand or censure by the City Council.
- (2) In addition to Section (1), for any City Official who violates any provision of this Ethics Code other than Sec. 1-5012, the City Council may also:
 - (A) request the resignation of the City Official;
 - (B) assess a fine pursuant to the following schedule:
 - (i) \$500.00 for the first violation within a 12-month period;
 - (ii) \$1,000.00 for a second violation within a 12-month period;
 - (iii) \$2,500.00 for any violation beyond a second violation within a 12-month period.
- (3) If the City Council determines that criminal activity was uncovered during the investigation, they may refer the case to the law enforcement agency with appropriate jurisdiction for further investigation.
- (4) No member of the governing authority shall use campaign funds to satisfy any penalty assessed pursuant to this section.
- (5) The mayor or any councilmember shall be subject to removal pursuant to Section 2.16 of this charter for:
 - (i) Failing to pay any civil penalty within 30 days of assessment of such penalty pursuant to this section; or
 - (ii) Three or more violations of Sec. 1-5004 within a 12-month period.

(f) Appeal

- (1) Any City Official or complainant adversely affected by the findings or recommendations of the Board of Ethics may obtain judicial review of such decision as provided in this Section.
- (2) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Fulton County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedeas.

Sec. 1-5008. - Complicity.

No person shall, directly or indirectly, aid, abet, agree with, assist, encourage or solicit any City Official or a City Official's partner in substantial interest to violate this chapter or to participate in any way in a violation of this chapter with or by another person.

Sec. 1-5009. – Reserved.

Sec. 1-5010. - Duty to leave meeting.

- (a) To avoid the appearance of impropriety, after any City Official or a City Official's partner in substantial interest is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the City Official shall immediately leave the meeting room, except that if the matter is being considered at a public meeting, the City Official may remain in the area of the room occupied by the general public. If a City Official who has a conflict of interest in a matter is present as a member of a body which is to consider the matter, the City Official shall leave his or her regular seat as a member of the body, and not return to it until deliberation and action on the matter is completed.
- (b) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a "consent agenda" on which there is no deliberation, the City Official's conflict has been disclosed, and the City Official abstains from voting on the item.

Sec. 1-5011. - Public contracts.

- (a) The City is prohibited from entering into any contract with a business in which a City Official or a City Official's partner in substantial interest has a controlling interest without full disclosure.
- (b) Any City Official who has or may have a personal interest in any contract shall disclose such interest prior to the first of any of the events set forth in (1), (2), (3), and (4) below:
 - (1) The solicitation of a contract; or
 - (2) The bidding of a contract; or
 - (3) The negotiation of a contract; or
 - (4) The approval by the governing body of a contract.
- (c) In addition to any other remedies available in law or equity, any contract entered into in violation of this section may be voided by resolution of the City Council.
- (d) *Mandatory provision in independent contracts.* When the City contracts with any person to act on behalf of the City as an independent contractor, the contract shall include a provision which binds the independent contractor, as a condition of accepting the contract, to comply with the applicable provisions of this chapter and

Charter. Any question about whether provisions are applicable, including the financial disclosure provisions, may be resolved by a written opinion of the City Attorney or by a decision of the Ethics Board. The governing body, if it deems it necessary or appropriate to do so, may adopt policies or guidelines to further define the circumstances under which any certain provision will or will not apply to independent contractors.

Sec. 1-5012. – Recommended Conduct for the Mayor and City Council.

(a) **Limitations.** No provision of this section shall be interpreted to infringe upon the Constitutional rights of any City Official. This section should be considered recommendations for best practices in representing the City and its governing authority. Because this section lists best practices and not requirements of City Officials, a complaint cannot lie against a City Official for any violation of this section. Any complaint against a City Official filed under this code section shall be dismissed by the Board of Ethics.

(b) **Declaration of Policy.** The public expects and deserves the highest standards of professional conduct from City Officials. The purpose of this section is to encourage a high standard for inter-personal conduct among the members of the City Council and to promote good government in the City of South Fulton. City Council members are agents of the public whose primary objective should be to address the needs of the citizens of the City of South Fulton, and therefore members must observe a code of conduct in their official duties.

(c) **Expectations of City Council Members.** All Council members should:

- (1) Regularly attend and fully participate in City Council meetings;
- (2) Demonstrate respect, kindness, and courtesy to others;
- (3) Prepare in advance of meetings and be familiar with items on the agenda;
- (4) Refrain from the use of technology unless it is germane to presentations on the meeting agenda;
- (5) Represent the City at ceremonial functions at the request of the Mayor;
- (6) Work to ensure public meetings are conducted efficiently;
- (7) Demonstrate honesty and integrity in all actions; and
- (8) Avoid undermining public confidence in City of South Fulton government.

(d) **Campaigning and Electioneering.**

- (1) City Council members may endorse candidates for any City Council seat or any other elected office.
- (2) City Council members shall not endorse any candidate for public office at or during an official City event or meeting.
- (3) City Council members shall refrain from mentioning anything regarding campaigns or any political activity at any official City event or meeting.

(e) Public Comments by City Council Members.

- (1) The opinions of City Council members can be attributed as opinions of the entire City governing authority. City Council members shall use caution when delivering an opinion whether in open meeting, in conversations, or through correspondence.
- (2) If a Council member appears in an official capacity at any meeting, board, commission, agency, or organization to give a statement or testimony, the Council member shall clearly delineate between the council member's personal opinion and the affirmative statements or opinions expressed by the City's governing body.

(f) Decorum for City Council Meetings. The following protocols shall be observed for City Council meetings:

- (1) City Council members shall respect the Mayor, fellow City Council members, City staff, and members of the general public.
- (2) City Council members shall be punctual and keep comments germane to the subject matter being discussed.
- (3) City Council members shall practice civility, professionalism, and decorum in discussions and debate.
- (4) City Council members shall voice objections politely.
- (5) City Council members shall refrain from actions that indicate partiality, prejudice or disrespect toward any speaker or person appearing before the City Council.
- (6) City Council members shall refrain from making belligerent, derogatory, impertinent, slanderous, threatening, abusive, or disparaging comments.
- (7) City Council members shall refrain from shouting or physical actions that could be construed as threatening.

Sec. 1-5013. - Reserved.

Sec. 1-5014. - Reserved.

Sec. 1-5015. - Candidates: honesty in applications for positions.

No person seeking to become a public official, employee, contractor, volunteer or appointee to any public position shall make any false or materially misleading statement, certificate, mark, rating or report in regard to any test, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connection with employment or service with the city or in connection with a work-related contract or service of any City Official.

Sec. 1-5016. - Financial disclosure statement—Filing.

Financial disclosure statements shall be filed as required by state law.

Sec. 1-5017. - Reserved.

Sec. 1-5018. - Reserved.

Sec. 1-5019. - Reserved.

Sec. 1-5020. - Reserved.

Sec. 1-5021. - Reserved.

Sec. 1-5022. - Reserved.

Sec. 1-5023. - Reserved.

Sec. 1-5024. - Reserved.

Sec. 1-5025. - Reserved.

Sec. 1-5026. - Reserved.

Sec. 1-5027. - Reserved.

Sec. 1-5028. - Reserved.

Sec. 1-5029. - Reserved.

Sec. 1-5030. - Severability.

If any provision of this chapter is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal, state or city charter provision now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such provision, the conflicting provision of this chapter shall be considered a separate, distinct and independent part of this chapter, and such holding shall not affect the validity and enforceability of this chapter as a whole, or any part other than the part declared to be invalid.

- (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this chapter are or were, upon their enactment, believed by the mayor and council to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this chapter is severable from every other section, paragraph, sentence, clause or phrase of this chapter. It is hereby further declared to be the intention of the mayor and council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this chapter

is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this chapter.

- (c) In the event that any phrase, clause, sentence, paragraph or section of this chapter shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the mayor and council that such invalidity, unconstitutionally or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the chapter and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the chapter shall remain valid, constitutional, enforceable, and of full force and effect.

The foregoing Ordinance No. **2017-031** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“FIRST READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ **2017.**

CITY OF SOUTH FULTON, GEORGIA

“FIRST READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE NO. 2017-032

**ADOPTION OF AN ORDINANCE TO IMPOSE A SURCHARGE ON ALL
FINES IMPOSED FOR VIOLATIONS OF ORDINANCES GOVERNING
PUBLIC PARKS AND RECREATION FACILITIES IN THE CITY OF SOUTH
FULTON**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government;

WHEREAS, pursuant to Section 7.16 of the City Charter, Fulton County ordinances remain applicable within the territorial limits of the City of South Fulton;

WHEREAS, pursuant to City Charter Section 3.10(b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City;

WHEREAS, the City Council has determined the parks and recreation facilities in the City to be a top priority; and

WHEREAS, the City finds it to be in the public interest to impose a surcharge on all fines issued for violations of ordinances governing public parks and recreation facilities located in the City of South Fulton.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1: Establishment of a Surcharge on All Fines Imposed for Violations of Ordinances Governing Public Parks and Recreation Facilities in the City of South Fulton

TITLE 11 – PARKS AND RECREATION

Sec. 11-1000. – Surcharge Added to All Fines to be Allocated for Specific Purposes.

- (a) Except as otherwise provided by law, a surcharge of \$10 shall be imposed on all fines issued pursuant to this Title.

- (b) This surcharge shall be deposited in an established City of South Fulton Trust Fund Account and shall be eligible for use in funding support for the maintenance of the City's parks and recreational facilities.
- (c) This section shall apply to any fines imposed for violations of ordinances addressing public parks and recreation facilities.
- (d) Notwithstanding the foregoing, this additional surcharge shall not apply to citations exempt from add on fees by state law, nor shall the surcharge cause the total amount of fines to exceed that allowed by state law or the City Charter.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Section 4: This ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing Ordinance No. **2017-032** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“FIRST READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017.

CITY OF SOUTH FULTON, GEORGIA

“FIRST READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

ORDINANCE NO. 2017-033

AMENDMENT TO ORDINANCE NO. 2017-018

_____ offers the following amendment to Ordinance No. 2017-018 entitled “Ordinance to Amend Title 8 of the City of South Fulton Code of Ordinances to Impose a Surcharge on All Fines Imposed Under Title 8 for Specific Purposes.”

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government;

WHEREAS, pursuant to City Charter Section 3.10(b), the City Council is authorized to adopt ordinances and amendments it deems necessary, expedient, or helpful for the health, welfare, safety, comfort and well-being of the inhabitants of the City;

WHEREAS, the City acknowledges that the latest technology for the Police Department is necessary for the protection and safety of the City and its inhabitants;

WHEREAS, the City further acknowledges that retention and active recruitment of police officers is necessary for the protection and safety of the City and its inhabitants; and

WHEREAS, the City finds it to be in the public interest and for the health, welfare, safety, comfort and well-being of the City and its inhabitants to impose a surcharge on all fines imposed under Title 8 to be used to update police department technology and to retain and recruit officers for the police department.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY AMENDS Ordinance 2017-018 to include the following Section:

Sec. 8-1015. – Technology Surcharge.

There shall be imposed by the City of South Fulton Municipal Court a technology surcharge in the amount of \$10.00 per conviction, plea of guilty, or plea of *nolo contendere*. Said technology surcharge shall be in addition to all other fines and fees imposed by the City of South Fulton Municipal Court. Notwithstanding the foregoing, this additional surcharge shall not apply to citations exempt from add on fees by state law, nor shall the surcharge cause the total amount of fines to exceed that allowed by

state law or the City Charter. All revenues derived from the technology surcharge shall be used by the City to provide for the technology needs of the City Police Department and the Municipal Court.

Sec. 8-1016. – Retention and Recruitment Surcharge.

There shall be imposed by the City of South Fulton Municipal Court a police retention and recruitment surcharge in the amount of \$10.00 per conviction, plea of guilty, or plea of *nolo contendere*. Said retention and recruitment surcharge shall be in addition to all other fines and fees imposed by the City of South Fulton Municipal Court. Notwithstanding the foregoing, this additional surcharge shall not apply to citations exempt from add on fees by state law, nor shall the surcharge cause the total amount of fines to exceed that allowed by state law or the City Charter. All revenues derived from the retention and recruitment surcharge shall be used by the City to recruit and retain well-qualified police officers by the City's Police Department.

The foregoing Ordinance No. **2017-033** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“FIRST READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017.

CITY OF SOUTH FULTON, GEORGIA

“FIRST READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-034

ADOPTION OF ORDINANCE RELATING TO THE REGULATION OF SEXUALLY-ORIENTED BUSINESSES IN THE CITY OF SOUTH FULTON BOUNDARIES; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE LICENSING OF SEXUALLY-ORIENTED BUSINESSES; TO PROVIDE FOR MAXIMUM FEES AND PENALTIES FOR VIOLATION OF THIS CHAPTER; TO PROVIDE FOR APPELLATE RIGHTS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

WHEREAS, the City is charged with preserving the health, safety, and welfare of its citizens;

WHEREAS, the City finds that criminal statistics and studies demonstrate there are negative secondary effects associated with sexually-oriented businesses;

WHEREAS, the City desires to limit the negative secondary effects of sexually-oriented businesses within the City’s jurisdiction; and

WHEREAS, the City finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address sexually-oriented businesses.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS

as follows:

Section 1: The City of South Fulton Code of Ordinances, Chapter 1, Title 12 Licenses, Permits and Business Regulations, is hereby established and enacted as follows:

Chapter 1. - SEXUALLY ORIENTED BUSINESSES

Sec. 12-1001. - Purpose; findings and rationale.

- (a) *Purpose.* It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the city. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.
- (b) *Findings and rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the city council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.* , 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.* , 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.* , 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.* , 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.* , 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca* , 452 U.S. 714 (1981); *Sewell v. Georgia* , 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas* , 493 U.S. 215 (1990); *City of Dallas v. Stanglin* , 490 U.S. 19 (1989); and *Flanigan's Enters., Inc. v. Fulton County* , 596 F.3d 1265 (11th Cir. 2010); *Peek-a-Boo Lounge v. Manatee County* , 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach* , 490 F.3d 860 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville* , 635 F.3d 1266 (11th Cir. 2011); *Artistic Entertainment, Inc. v. City of Warner Robins* , 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc. v. City of Warner Robins* , 223 F.3d 1306 (11th Cir. 2000); *Williams v. Pryor* , 240 F.3d 944 (11th Cir. 2001); *Williams v. A.G. of Alabama* , 378 F.3d 1232 (11th Cir. 2004); *Williams v. Morgan* , 478 F.3d 1316 (11th Cir. 2007); *Gary v. City of Warner Robins* , 311 F.3d 1334 (11th Cir. 2002); *Ward v. County of Orange* , 217 F.3d 1350 (11th Cir. 2002); *Boss Capital, Inc. v. City of Casselberry* , 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County* , 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile* , 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville* , 176 F.3d 1358 (11th Cir. 1999); *This That And The Other Gift and Tobacco, Inc. v. Cobb County* , 285 F.3d 1319 (11th Cir. 2002); *DLS, Inc. v. City of Chattanooga* , 107 F.3d 403 (6th Cir. 1997); *Grand Faloona Tavern, Inc. v. Wicker* , 670 F.2d 943 (11th Cir. 1982); *International Food & Beverage Systems v. Ft. Lauderdale* , 794 F.2d 1520 (11th Cir. 1986); *5634 E. Hillsborough Ave., Inc. v. Hillsborough County* , 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), *aff'd*, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam); *Oasis Goodtime Emporium I, Inc. v. City of Doraville*, 297 Ga. 513 (2015); *Trop, Inc. v. City of Brookhaven*, 296 Ga. 85 (2014); *Fairfax MK, Inc. v. City of Clarkston* , 274 Ga. 520 (2001); *Morrison v. State* , 272 Ga. 129 (2000); *Flippen Alliance for Community Empowerment, Inc. v. Brannan* , 601 S.E.2d 106 (Ga. Ct. App. 2004); *Oasis Goodtime Emporium I, Inc. v. DeKalb County* , 272 Ga. 887 (2000); *Chamblee*

Visuals, LLC v. City of Chamblee , 270 Ga. 33 (1998); *World Famous Dudley's Food & Spirits, Inc. v. City of College Park* , 265 Ga. 618 (1995); *Airport Bookstore, Inc. v. Jackson* , 242 Ga. 214 (1978); *Imaginary Images, Inc. v. Evans* , 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County* , 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster* , 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini* , 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *Plaza Group Properties, LLC v. Spencer County Plan Commission* , 877 N.E.2d 877 (Ind. Ct. App. 2007); *East Brooks Books, Inc. v. Shelby County* , 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County* , 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids* , 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane* , 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset* , 316 F.3d 702 (7th Cir. 2003); *H&A Land Corp. v. City of Kennedale* , 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington* , 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington* , 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall* , 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph* , 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County* , 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County* , 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols* , 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane* , 75 F.3d 663 (9th Cir. 1996); *DCR, Inc. v. Pierce County* , 964 P.2d 380 (Wash. Ct. App. 1998); *City of New York v. Hommes* , 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State* , No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego* , 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra* , 395 F.3d 1114 (9th Cir. 2005); *Starship Enters. of Atlanta, Inc. v. Coweta County* , No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); *High Five Investments, LLC v. Floyd County* , No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); *10950 Retail, LLC v. Fulton County* , No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); *10950 Retail, LLC v. Fulton County* , No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); *Z.J. Gifts D-4, L.L.C. v. City of Littleton* , Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.* , Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale* , No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); *Goldrush II v. City of Marietta* , 267 Ga. 683 (1997); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses fRelate to Increased Levels of Crime?" *Crime & Delinquency* (2012) (Louisville, KY); Metropolis, Illinois - 2011-12; Manatee County, Florida - 2007; Hillsborough County, Florida - 2006; Clarksville, Indiana - 2009; El Paso, Texas - 2008; Memphis, Tennessee - 2006; New Albany, Indiana - 2009; Louisville, Kentucky - 2004; Fulton County, GA - 2001; Chattanooga, Tennessee - 1999-2003; Jackson County, Missouri - 2008; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Dallas, Texas - 1997; Houston, Texas - 1997, 1983; Phoenix, Arizona - 1995-98, 1979; Tucson, Arizona - 1990; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove,

California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Oklahoma City, Oklahoma - 1986; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Law Enforcement and Private Investigator Affidavits (Pink Pony South, Forest Park, GA, and Adult Cabaret in Sandy Springs, GA), the city council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- (2) Each of the foregoing negative secondary effects constitutes a harm which the city has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the city's rationale for this chapter, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the city's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the city. The city finds that the cases and documentation relied on in this chapter are reasonably believed to be relevant to the secondary effects.
- (c) *Adoption of findings of secondary effects.* The city adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

Sec. 12-1002. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult bookstore or adult video store means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial establishment meets any one or more of the following criteria:

- (1) At least 35 percent of the establishment's displayed merchandise consists of the items;
- (2) At least 35 percent of the retail value (defined as the price charged to customers) of the establishment's displayed merchandise consists of the items;
- (3) At least 35 percent of the establishment's revenues derive from the sale or rental, for any form of consideration, of the items;
- (4) The establishment maintains at least 35 percent of its floor space for the display, sale, or rental of the items (aisles and walkways used to access the items shall be included in "floor space" maintained for the display, sale, or rental of the items);
- (5) The establishment maintains at least 500 square feet of its floor space for the display, sale, and/or rental of the items (aisles and walkways used to access the items shall be included in "floor space" maintained for the display, sale, or rental of the items);
- (6) The establishment regularly offers for sale or rental at least 2,000 of the items;
- (7) The establishment regularly features the items and regularly advertises itself or holds itself out, in any medium, by using "adult," "adults-only," "XXX," "sex," "erotic," or substantially similar language, as an establishment that caters to adult sexual interests; or
- (8) The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, private club, or similar commercial establishment that regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring full nudity.

Adult motion picture theater means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration.

Characterized by means describing the essential character or quality of an item. As applied in this chapter, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

Employ, employee, and employment describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. The term "employee" does not

include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Establish or *establishment* means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
- (3) The addition of any sexually oriented business to any other existing sexually oriented business.

Feature means to give special prominence to.

Floor space means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

Hearing officer means an attorney, not an employee of the city, who is licensed to practice law in the state, and retained to serve as an independent tribunal to conduct hearings under this chapter.

Influential interest means any of the following:

- (1) The actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business;
- (2) Ownership of a financial interest of 30 percent or more of a business or of any class of voting securities of a business; or
- (3) Holding an office (e.g., president, vice-president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In the case of an employee, the term "licensee" means the person in whose name the sexually oriented business employee license has been issued.

Nudity means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

Operator means any person on the premises of a sexually oriented business who manages, supervises, or controls the business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner, part owner, or licensee of the business.

Premises means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or

parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

Regularly means the consistent and repeated doing of an act on an ongoing basis.

Semi-nude or *semi-nudity* means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Semi-nude model studio means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:

- (1) By a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 - b. Where, in order to participate in a class a student must enroll at least three days in advance of the class.

Sexual device means any three-dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

Sexual device shop means a commercial establishment that regularly features sexual devices. This definition shall not be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services,

Sexually oriented business means an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual device shop.

Sexually oriented business employee means only such employees, agents, independent contractors, or other persons, whatever the employment relationship to the business, whose job function includes posing in a state of nudity, or semi-nudity, or exposing to view within the business the specified anatomical areas as defined by this Code.

Specified anatomical areas means and includes:

- (1) Less than completely and opaquely covered: human genitals, pubic region; buttocks; and female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal activity means any of the following specified crimes for which less than five years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:

- (1) Rape, child molestation, sexual assault, sexual battery, aggravated sexual assault, aggravated sexual battery, or public indecency;
- (2) Prostitution, keeping a place of prostitution, pimping, or pandering;
- (3) Obscenity, disseminating or displaying matter harmful to a minor, or use of child in sexual performance;
- (4) Any offense related to any sexually-oriented business, including controlled substance offenses, tax violations, racketeering, crimes involving sex, crimes involving prostitution, or crimes involving obscenity;
- (5) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
- (6) Any offense in another jurisdiction that, had the predicate acts been committed in the state, would have constituted any of the foregoing offenses.

Specified sexual activity means any of the following:

- (1) Intercourse, oral copulation, masturbation or sodomy; or
- (2) Excretory functions as a part of or in connection with any of the activities described in subsection (1) of this definition.

Transfer of ownership or control of a sexually oriented business means any of the following:

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Viewing room means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video reproduction.

Sec. 12-1003. - License required.

- (a) *Business license.* It is unlawful for any person to operate a sexually oriented business in the city without a valid sexually oriented business license.
- (b) *Employee license.* It is unlawful for any person to be an "employee" of a sexually oriented business in the city without a valid sexually oriented business employee license, except that a person who is a licensee under a valid sexually oriented business license shall not be required to also obtain a sexually oriented business employee license.
- (c) *Application.* An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the office of the city manager or his or her designee a completed application made on a form provided by the city manager or designee. A sexually oriented business may designate an individual with an influential interest in the business to file its application for a sexually oriented business license in person on behalf of the business. The application shall be signed as required by subsection (d) of this section and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in this subsection, accompanied by the appropriate licensing fee:
 - (1) The applicant's full legal name and any other names used by the applicant in the preceding five years.
 - (2) Current business address or another mailing address for the applicant.
 - (3) Written proof of age, in the form of a driver's license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
 - (4) If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business.
 - (5) If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.
 - (6) A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal activity as defined in this chapter, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
 - (7) A statement of whether any sexually oriented business in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to a court order of closure.

- (8) An application for a sexually oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business and a statement of floor area visible or accessible to patrons for any reason, excluding restrooms. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. Applicants who are required to comply with the stage, booth, and/or room configuration requirements of this chapter shall submit a diagram indicating that the setup and configuration of the premises meets the requirements of the applicable regulations. The city manager may waive the requirements of this subsection for a renewal application if the applicant adopts a legal description and a sketch or diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

The information provided pursuant to this subsection (c) shall be supplemented in writing by certified mail, return receipt requested, to the city manager or designee within ten working days of a change of circumstances which would render the information originally submitted false or incomplete.

- (d) *Signature.* A person who seeks a sexually oriented business employee license under this section shall sign the application for a license. If a person who seeks a sexually oriented business license under this section is an individual, he shall sign the application for a license as applicant. If a person who seeks a sexually oriented business license is other than an individual, each person with an influential interest in the sexually oriented business or in a legal entity that controls the sexually oriented business shall sign the application for a license as applicant. Each applicant must be qualified under this chapter and each applicant shall be considered a licensee if a license is granted.
- (e) *Confidentiality.* The information provided by an applicant in connection with an application for a license under this chapter shall be maintained by the office of the city manager on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by governing law or court order. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to such disclosure.

Sec. 12-1004. - Issuance of license.

- (a) *Business license.* Upon the filing of a completed application for a sexually oriented business license, the city manager shall immediately issue a temporary license to the applicant if the completed application is from a preexisting sexually oriented business that is lawfully operating in the city and the completed application, on its face, indicates that the applicant is entitled to an annual sexually oriented business license. The temporary license shall expire upon the final decision of the city to deny or grant an annual license. Within 30 days of the filing of a completed sexually oriented business license application, the city manager shall either issue a license to the

applicant or issue a written notice of intent to deny a license to the applicant. The city manager shall issue a license unless:

- (1) An applicant is less than 18 years of age.
 - (2) An applicant has failed to provide information required by this chapter for issuance of a license or has falsely answered a question or request for information on the application form.
 - (3) The license application fee required by this chapter has not been paid.
 - (4) The sexually oriented business, as defined herein, is not in compliance with the interior configuration requirements of this chapter.
 - (5) The sexually oriented business, as defined herein, is not in compliance with the locational requirements of any other part of this Code. However, this ground for denial of a license to operate a sexually oriented business shall not prevent issuance or renewal of a license for a sexually oriented business that was in a location where a sexually oriented business was allowed under law prior to the effective date of this chapter, provided that the sexually oriented business has not been discontinued for a continuous period of six months; has not been enlarged; expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity; and has not had its structure destroyed to an extent exceeding 60 percent of the structure's fair market value at the time of destruction.
 - (6) Any sexually oriented business in which an applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to an order of closure.
 - (7) An applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this chapter.
- (b) *Employee license.* The city manager or designee shall issue a license unless:
- (1) The applicant is less than 18 years of age.
 - (2) The applicant has failed to provide information as required by this chapter for issuance of a license or has falsely answered a question or request for information on the application form.
 - (3) The license application fee required by this chapter has not been paid.
 - (4) Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five years (and at a time during which the applicant had the influential interest):
 - a. Been declared by a court of law to be a nuisance; or
 - b. Been subject to an order of closure.
 - (5) The applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this chapter.

- (c) *License information.* The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensees, the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be read at any time that the business is occupied by patrons or is open to the public. A sexually oriented business employee shall keep the employee's license on his person or on the premises where the licensee is then working or performing.
- (d) *Location requirements.* A license granted under this section does not excuse compliance with, or authorize the violation of, any location or zoning requirements for sexually oriented businesses in effect in the city.

Sec. 12-1005. - Fees.

The fees charged for the initial license and annual renewal licenses for sexually oriented business and sexually oriented business employee licenses shall be as established by the council, or its designee, in the city's fee schedule.

Sec. 12-1006. - Inspection.

Sexually oriented businesses and sexually oriented business employees shall permit the city manager, his or her designee, and/or the city manager's agents to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this chapter, during those times when the sexually oriented business is occupied by patrons or is open to the public. These inspections may occur at any time during a sexually oriented business' normal hours of operation without an appointment. This section shall be narrowly construed by the city to authorize reasonable inspections of the licensed premises pursuant to this chapter, but not to authorize a harassing or excessive pattern of inspections.

Sec. 12-1007. - Expiration and renewal of license.

- (a) Each license shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in this chapter.
- (b) Application for renewal of an annual license should be made at least 90 days before the expiration date of the current annual license, and when made less than 90 days before the expiration date, the expiration of the current license will not be affected.

Sec. 12-1008. - Suspension.

- (a) The city manager or his or her designee shall issue a written notice of intent to suspend a sexually oriented business license for a period not to exceed 30 days if the sexually oriented business licensee has knowingly or recklessly violated this chapter or has knowingly or recklessly allowed an employee or any other person to violate this chapter.

- (b) The city manager shall issue a written notice of intent to suspend a sexually oriented business employee license for a period not to exceed 30 days if the employee licensee has knowingly or recklessly violated this chapter.

Sec. 12-1009. - Revocation.

- (a) The city manager or designee shall issue a written notice of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if the licensee knowingly or recklessly violates this chapter or has knowingly or recklessly allowed an employee or any other person to violate this chapter and a suspension of the licensee's license has become effective within the previous 12-month period.
- (b) The city manager shall issue a written notice of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if:
 - (1) The licensee has knowingly given false information in the application for the sexually oriented business license or the sexually oriented business employee license;
 - (2) The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises of the sexually oriented business;
 - (3) The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises of the sexually oriented business;
 - (4) The licensee knowingly or recklessly operated the sexually oriented business during a period of time when the license was finally suspended or revoked;
 - (5) The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity or specified criminal activity to occur in or on the premises of the sexually oriented business;
 - (6) The licensee has knowingly or recklessly allowed a person under the age of 21 years to consume alcohol on the premises of the sexually oriented business;
 - (7) The licensee has knowingly or recklessly allowed a person under the age of 18 years to appear in a semi-nude condition or in a state of nudity on the premises of the sexually oriented business; or
 - (8) The City has found violations of City's Code that jeopardize the public health and safety.
- (c) The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license, provided that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no effect for revocation purposes.
- (d) When, after the notice and hearing procedure described in this chapter, the city revokes a license, the revocation shall continue for one year and the licensee shall not be issued a sexually oriented business license or sexually oriented business employee license for one year from the date revocation becomes effective.

Sec. 12-1010- Hearing; license denial, suspension, revocation; appeal.

(a) Notice of intent; response.

- (1) When the city manager or designee issues a written notice of intent to deny, suspend, or revoke a license, the city manager or designee shall immediately send such notice, which shall include the specific grounds under this chapter for such action, to the applicant or licensee (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the city manager or designee for the respondent. The notice shall also set forth the following: The respondent shall have ten days after the delivery of the written notice to submit, at the office of the city manager or designee, a written request for a hearing. If the respondent does not request a hearing within the ten days, the city manager's or designee's written notice shall become a final denial, suspension, or revocation, as the case may be, on the 30th day after it is issued, and shall be subject to the provisions of subsection (b) of this section.
 - (2) If the respondent does make a written request for a hearing within the ten days, then the city manager or designee shall, within ten days after the submission of the request, send a notice to the respondent indicating the date, time, and place of the hearing. The hearing shall be conducted not less than ten days nor more than 20 days after the date that the hearing notice is issued. The city shall provide for the hearing to be transcribed.
 - (3) At the hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his behalf, and cross examine any of the city manager's or designee's witnesses. The city shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a final written decision, including specific reasons for the decision pursuant to this chapter, to the respondent within five days after the hearing.
 - (4) If the decision is to deny, suspend, or revoke the license, the decision shall advise the respondent of the right to appeal such decision to the superior court of the county, and the decision shall not become effective until the 30th day after it is rendered. If the hearing officer's decision finds that no grounds exist for denial, suspension, or revocation of the license, the hearing officer shall, contemporaneously with the issuance of the decision, order the city manager or designee to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the city manager or designee shall contemporaneously therewith issue the license to the applicant.
- (b) If any court action challenging a licensing decision is initiated, the city shall prepare and transmit to the court a transcript of the hearing within 30 days after receiving written notice of the filing of the court action. The city shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings. The

following shall apply to any sexually oriented business that is lawfully operating as a sexually oriented business, or any sexually oriented business employee that is lawfully employed as a sexually oriented business employee, on the date on which the completed business or employee application, as applicable, is filed with the city manager: Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the city's enforcement of any denial, suspension, or revocation of a temporary license or annual license, the city manager shall immediately issue the respondent a provisional license. The provisional license shall allow the respondent to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the respondent's appeal or other action to restrain or otherwise enjoin the city's enforcement.

Sec. 12-1011. - Transfer of license.

A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application.

Sec. 12-1012. - Hours of operation.

No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day after January 1, 2018.

Sec. 12-1013. - Regulations pertaining to exhibition of sexually explicit films on premises.

- (a) A person who operates or causes to be operated a sexually oriented business which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, videocassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.
 - (1) Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, videocassettes, digital video discs, or other video reproductions. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The city manager may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- (2) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
 - (3) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 5.0 footcandles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described in this subsection is maintained at all times that the premises is occupied by patrons or open for business.
 - (4) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.
 - (5) It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - a. That the occupancy of viewing rooms less than 150 square feet is limited to one person.
 - b. That specified sexual activity on the premises is prohibited.
 - c. That the making of openings between viewing rooms is prohibited.
 - d. That violators will be required to leave the premises.
 - e. That violations of these regulations are unlawful.
 - (6) It shall be the duty of the operator to enforce the regulations articulated in subsections (a)(5)a through e of this section.
 - (7) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed 32 square feet of floor area. If the premises has two or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this subsection must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
 - (8) It shall be the duty of the operator to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.
- (b) It is unlawful for a person having a duty under subsections (a)(1) through (8) of this section to knowingly or recklessly fail to fulfill that duty.

- (c) No patron shall knowingly or recklessly enter or remain in a viewing room less than 150 square feet in area that is occupied by any other patron.
- (d) No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 150 square feet or larger in area.
- (e) No person shall knowingly or recklessly make any hole or opening between viewing rooms.

Sec. 12-1014. - Loitering, exterior lighting and monitoring, and interior lighting requirements.

- (a) It shall be the duty of the operator of a sexually oriented business to ensure that at least two conspicuous signs stating that no loitering is permitted on the premises are posted on the premises; designate one or more employees to monitor the activities of persons on the premises by visually inspecting the premises at least once every 90 minutes or inspecting the premises by use of video cameras and monitors; and provide lighting to the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. Said lighting shall be of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than 1.0 footcandle as measured at the floor level. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.
- (b) It shall be the duty of the operator of a sexually oriented business to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than 5.0 footcandles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.
- (c) No sexually oriented business shall erect a fence, wall, or similar barrier that prevents any portion of the parking lots for the establishment from being visible from a public right-of-way.
- (d) It is unlawful for a person having a duty under this section to knowingly or recklessly fail to fulfill that duty.

Sec. 12-1015. - Penalties and enforcement.

- (a) A person who violates any of the provisions of this chapter shall be guilty of a violation and, upon conviction, shall be punishable by fines not to exceed \$1,000.00 per violation, or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day a violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.
- (b) Any violation under this chapter shall be enforced by the city manager or his or her designee, the City of South Fulton Police Department, or the City of South Fulton Planning and Zoning Board.
- (c) Any premises, building, dwelling, or other structure in which a sexually oriented business is repeatedly operated or maintained in violation of this chapter shall

constitute a nuisance and shall be subject to civil abatement proceedings in a court of competent jurisdiction.

- (d) The city's legal counsel is authorized to institute civil proceedings necessary for the enforcement of this chapter to enjoin, prosecute, restrain, or correct violations hereof. Such proceedings shall be brought in the name of the city, provided, however, that nothing in this section and no action taken hereunder, shall be held to exclude such criminal or administrative proceedings as may be authorized by other provisions of this chapter, or any of the laws in force in the city or to exempt anyone violating this code or any part of the laws from any penalty which may be incurred.

Sec. 12-1016. - Prohibited conduct.

- (a) No patron, employee, or any other person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity or engage in a specified sexual activity.
- (b) No person shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least six feet from all patrons and on a stage at least 18 inches from the floor in a room of at least 600 square feet.
- (c) No employee who appears semi-nude in a sexually oriented business shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of a sexually oriented business. No customer shall knowingly or intentionally touch such an employee or the clothing of such an employee on the premises of a sexually oriented business.
- (d) No person shall possess, use, or consume alcoholic beverages on the premises of a sexually oriented business after January 2, 2019.
- (e) No person shall knowingly or recklessly allow a person under the age of 18 years to be or remain on the premises of a sexually oriented business.
- (f) No operator of a sexually oriented business shall knowingly or recklessly allow a room in the sexually oriented business to be simultaneously occupied by any patron and any employee who is semi-nude or who appears semi-nude on the premises of the sexually oriented business, unless an operator of the sexually oriented business is present in the same room.
- (g) No operator or licensee of a sexually oriented business shall violate the regulations in this section or knowingly or recklessly allow an employee or any other person to violate the regulations in this section.
- (h) A sign in a form to be prescribed by the city manager, and summarizing the provisions of subsections (a) through (e) of this section, shall be posted near the entrance of the sexually oriented business in such a manner as to be clearly visible to patrons upon entry. No person shall cover, obstruct, or obscure the sign.

Sec. 12-1017 - Scienter required to prove violation or business licensee liability.

This chapter does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state is necessary to establish a violation of a provision of this chapter. Notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for purposes of finding a violation of this chapter, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

Sec. 12-1018. - Spacing requirements.

- (a) It is unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 1,500 feet of another sexually oriented business. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, between the closest points on the property lines of the two sexually oriented businesses.
- (b) It is unlawful to establish, operate, or cause to be operated a sexually oriented business in the city within 1,500 feet of a daycare facility, park, place of worship, public library, rehabilitation center, residential district, or school. Measurements for this subsection shall be made in a straight line without regard to intervening structures or objects, from the closest part of the structure containing the sexually oriented business to the closest point on the boundary line of the residential district or the closest point on the property line of the place of worship, park, or public library.

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Section 4: This ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing Ordinance No. **2017-034** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“FIRST READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017.

CITY OF SOUTH FULTON, GEORGIA

“FIRST READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE NO. 2017-035

AMENDMENT TO ORDINANCE No. 2017-017

**AN ORDINANCE TO AMEND TITLE 7 OF THE CITY OF SOUTH FULTON
CODE OF ORDINANCES; TO PROVIDE FOR A QUARTERLY REPORT FROM
THE MUNICIPAL COURT; AND FOR OTHER PURPOSES.**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the City Council is authorized by O.C.G.A. § 36-32-1, *et seq.* to establish and maintain a municipal court having jurisdiction over the violation of City ordinances and over such other matters as are by general law made subject to the jurisdiction of municipal court; and

WHEREAS, pursuant to City Charter Sections 5.10 and 5.13, the City is authorized to create a municipal court for the purpose of serving the City by punishing violations of the City Charter, City ordinances, and other such violations as provided by law; and

WHEREAS, pursuant to City Charter Sections 6.22 through 6.25 the City Council adopts the annual operating budget for the City and would benefit from regular reports on the municipal court’s dockets, accounts, citations, and other business.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY AMENDS
Ordinance 2017-017 to include the following Section:

Sec. 7-1002. - Judges.

(g) The Chief Municipal Court Judge, or his or her designee, shall provide a quarterly report to the Mayor and the City Council to include information on the volume of the court’s docket, remitted fines and payments to the city, citations issued, and any other information determined to be relevant or which is requested by the City Council.

The foregoing Ordinance No. **2017-035** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“FIRST READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017. **CITY OF SOUTH FULTON, GEORGIA**

“FIRST READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



DIVIDER SHEET

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE NO. 2017-036

AMENDMENT TO ORDINANCE No. 2017-017

**AN ORDINANCE TO AMEND TITLE 7 OF THE CITY OF SOUTH FULTON
CODE OF ORDINANCES; TO PROVIDE FOR THE PAYMENT OF COSTS
INCURRED BY THE CITY OF SOUTH FULTON BY THE DEFENDANT UPON
CONVICTION.**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the City Council is authorized by O.C.G.A. § 36-32-1, *et seq.* to establish and maintain a municipal court having jurisdiction over the violation of City ordinances and over such other matters as are by general law made subject to the jurisdiction of municipal court; and

WHEREAS, pursuant to City Charter Sections 5.10 and 5.13, the City is authorized to create a municipal court for the purpose of serving the City by punishing violations of the City Charter, City ordinances, and other such violations as provided by law; and

WHEREAS, pursuant to O.C.G.A. § 17-11-1, the municipal court may require a criminal defendant to pay all costs accruing in the committing and trial courts upon conviction and the judgment shall act as a lien from the date of the arrest on all property of the defendant.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY AMENDS
Ordinance 2017-017 to include the following Section:

Sec. 7-1011. – Payment of Costs.

- (a) The costs in all cases tried before the municipal court shall be set at the discretion of the municipal court judge. Costs include all costs accrued in the committing and trial court and by any officer pending the prosecution, including but not limited to all costs incurred by the City to house the individual in the City’s jail facilities.
- (b) Upon conviction, the costs may be charged and collected from the defendant at the discretion of the judge.

The foregoing Ordinance No. **2017-036** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“FIRST READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017. CITY OF
SOUTH FULTON, GEORGIA

“FIRST READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY